



## Community Development Department

### BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA May 28, 2014

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Tom Baker Meeting Room	5:00 p.m.	City-County Building
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Item No.	Page
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#### MINUTES

1. Consider approval of the minutes of the April 23, 2014 meeting of the Bismarck Planning & Zoning Commission.

#### CONSENT AGENDA

##### CONSIDERATION

The following items are requests for a public hearing.

2. **Midwest Business Park Addition – Preliminary Plat (JT)** ..... 1  
*Staff recommendation: tentative approval*      ☐tentative approval      ☐table      ☐deny
3. **Inland Addition (JT)**
  - a. **Zoning Change (RM30 to RT)** ..... 5  
*Staff recommendation: schedule a hearing*      ☐schedule a hearing      ☐table      ☐deny
  - b. **Preliminary Plat** ..... 9  
*Staff recommendation: tentative approval*      ☐tentative approval      ☐table      ☐deny
4. **Lots 3-6, Block 1, Kamrose Addition (Kamrose Crossing) – Zoning Change (RM15 to PUD) (JT)** ..... 13  
*Staff recommendation: schedule a hearing*      ☐schedule a hearing      ☐table      ☐deny



5. **RM & RT Zoning Districts – Row Houses –**  
Zoning Ordinance Text Amendment (Klee) ..... 27  
*Staff recommendation: schedule a hearing*    ☐schedule a hearing    ☐table    ☐deny

## REGULAR AGENDA

### FINAL CONSIDERATION/PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission.

6. **University of Mary Subdivision (Klee)**
- a. Zoning Change (A & RR to P) .....31  
*Staff recommendation: approve*    ☐approve    ☐continue    ☐table    ☐deny
- b. Final Plat ..... 35  
*Staff recommendation: approve*    ☐approve    ☐continue    ☐table    ☐deny
7. **Willow View Subdivision (JW)**  
*Gibbs Township*
- a. Zoning Change (A to RR)..... 43  
*Staff recommendation: approve*    ☐approve    ☐continue    ☐table    ☐deny
- b. Final Plat ..... 47  
*Staff recommendation: approve*    ☐approve    ☐continue    ☐table    ☐deny
8. **Ash Coulee 2<sup>nd</sup> Addition (Klee)**
- a. Zoning Change (RR to R5)..... 55  
*Staff recommendation: approve*    ☐approve    ☐continue    ☐table    ☐deny
- b. Minor Subdivision Final Plat..... 58  
*Staff recommendation: approve*    ☐approve    ☐continue    ☐table    ☐deny
9. **Munich Addition – Minor Subdivision Final Plat (JW) .....63**  
*Staff recommendation: approve*    ☐approve    ☐continue    ☐table    ☐deny
10. **Lots 1 and 2, Block 2, Pinehurst 7<sup>th</sup> Addition – PUD Amendment (JT) ..... 67**  
*Staff recommendation: approve*    ☐approve    ☐continue    ☐table    ☐deny
11. **Part of Blocks 37, 38 and 41, Northern Pacific 2<sup>nd</sup> Addition –**  
**Special Use Permit (Off-site Parking Lots) (JW) ..... 81**  
*Staff recommendation: deny*    ☐approve    ☐continue    ☐table    ☐deny

12. **Floodplain District – Zoning Ordinance Text Amendment (JW)** ..... 91

*Staff recommendation: approve*

☐ approve

☐ continue

☐ table

☐ deny

### OTHER BUSINESS

13. **Southland 2<sup>nd</sup> Addition –**  
Reconsideration of Final Plat, Zoning Change and Annexation (Klee)..... 93

14. **Other**

### ADJOURNMENT

15. **Adjourn.** The next regular meeting date is scheduled for Wednesday, June 25, 2014.

Enclosures: Meeting Minutes of April 23, 2014  
Building Permit Activity Report for April 2014

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Midwest Business Park Addition – Preliminary Plat		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> May 28, 2014	
<b>Owner(s):</b> MME, Inc.	<b>Engineer:</b> BKBM Engineers	
<b>Reason for Request:</b> Plat property for future development of general commercial, light industrial, warehouses, distribution facilities, wholesale material sales, shop condos and related office uses.		
<b>Location:</b> In east Bismarck along the south side of County Highway 10 and the west side of 52 <sup>nd</sup> Street (Auditor's Lots 3, 4 & 5, Section 1, T138N-R80W/Lincoln Township).		
<b>Project Size:</b> 79.15 acres	<b>Number of Lots:</b> 15 lots in 3 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
	<b>Land Use:</b> General commercial and light industrial uses including warehouses distribution facilities, wholesale material sales, shop condos and related office uses	
<b>Zoning:</b> MA – Industrial (Lots 1-3, Block 1) Conditional MA – Industrial (Lots 4-5, Block 1); (Lots 1-7, Block 2); (Lots 1-3, Block 3)	<b>Zoning:</b> MA – Industrial (Lots 1-3, Block 1) Conditional MA – Industrial (Lots 4-5, Block 1); (Lots 1-7, Block 2); (Lots 1-3, Block 3)	
<b>Uses Allowed:</b> MA – Warehouses, storage facilities, manufacturing, service uses and commercial uses Conditional MA – Warehouses, storage facilities, manufacturing excluding ice manufacturing, soft drink bottling plants and petroleum bulk plants, service uses excluding dry cleaning plants, mortuaries or funeral homes and commercial uses.	<b>Uses Allowed:</b> MA – Warehouses, storage facilities, manufacturing, service uses and commercial uses Conditional MA – Warehouses, storage facilities, manufacturing excluding ice manufacturing, soft drink bottling plants and petroleum bulk plants, service uses excluding dry cleaning plants, mortuaries or funeral homes and commercial uses.	
<b>Maximum Density Allowed:</b> MA – N/A Conditional MA – N/A	<b>Maximum Density Allowed:</b> MA – N/A Conditional MA – N/A	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 12/1976 (Lots 1-3, Block 1) 01/2014 (Remaining portion)	<b>Platted:</b> N/A	<b>Annexed:</b> 12/1976



**FINDINGS:**

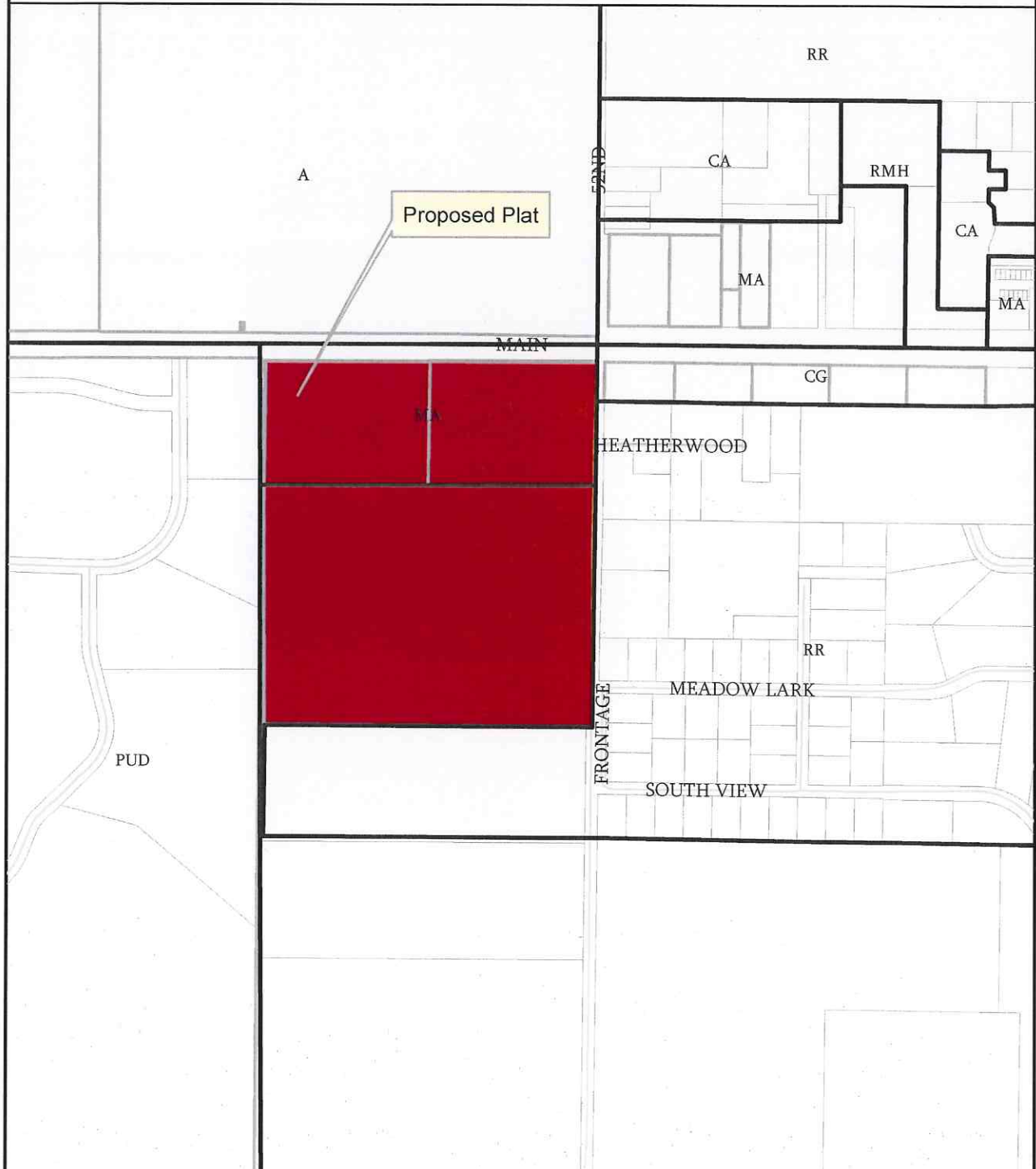
1. All technical requirements for consideration of a preliminary plat have been met.
2. The proposed subdivision conforms with the Fringe Area Road Master Plan, which identifies 52<sup>nd</sup> Street and County Highway 10 as the arterial roadways for this section.
3. The entire property is currently within City limits; therefore the proposed subdivision would not place an undue burden on public services.
4. The subdivision would be generally compatible with adjacent land uses. Adjacent land uses include the Missouri Valley Complex to the west; a truck terminal to the north and undeveloped, State-owned land to the north across County Highway 10 and rural residential to the east across 52<sup>nd</sup> Street SE. The proposed plat includes a 50-foot wide landscape buffer easement along the easternmost portions of Lots 4-5, Block 1; conditions on Lots 4-5, Block 1 and setbacks were put in place to discourage outdoor storage along 52<sup>nd</sup> Street. Additionally, there is an undeveloped, 25.33-acre parcel that is zoned RR – Residential adjacent to the south. The proposed subdivision includes a 50-foot wide landscape buffer easement along the entire southern boundary of Lots 1-3, Block 3.
5. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends tentative approval of the preliminary plat for Midwest Business Park Addition.

/jt

# Proposed Plat Midwest Business Park



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Date: 4/29/2014(hlb)

Source: City of Bismarck

0 700 1,400 Feet





Except the north 3.23 acres as shown in Deed recorded at Book 258, page 552, Dec. No. 121424 Auditor's Lots 3, 4 and 5 of Section 1, Township 136, Range 410, Burleigh County, North Dakota.

receipt of a current title insurance commitment or attorney's title opinion.

2.) Distances shown on this survey are ground distances.

**QUALITY NOTES**

1.2 Utility information from plans and markings was combined with observed evidence of utilities to d

3.) Some underground utility locations are shown as marked on-site by those utility companies whose responsibility to our North Dakota One Call ticket number 1406282.

1.) The subject property lies within Zone X (Areas determined to be outside the 0.2% annual chance flood zone). The subject property is not located in a flood zone designated as Zone A, AE, AH, or VE per the National Flood Insurance Program, Flood Insurance Rate Map Community Panel No. 35010-01-0001, effective 08/01/2013.

Net Area	=	3,383,592 square feet or 77,676 acres excluding 33 foot road right-of-way
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L.) Zoning information obtained from the City of

PROPERTY QUALITY:

- WIP Denotes guard post
- HC Denotes communication
- HYD Denotes fire hydrant
- NA Denotes none

AND SURVEYOR:  
Denotes kind of work  
Denotes sanitary manhole  
SAN S  
Denotes sanitary sewer  
ST S  
Denotes storm sewer

Denotes Russian Olive tree  
Denotes Service tree  
Denotes deciduous tree

CIVIL ENGINEER:  
CEM Engineers

DAY

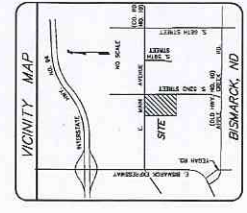
NO. SCALE

**BENCH MARKS (BM) — N.C.V.D. 1929**

[illegible]

dated 4-18-14

ended this 13th day of May, 2014



**BENCH MARKS (BM)—N.C.V.D. 1929**

1.) Top of top nut of Blomsted fire hydrant No. 2974 northeast corner of property just east of entrance to  
Mileage Motel Express  
Elevation = 1707.25 feet  
Deduction = 1.67 feet

2.) Chiselled "x" on top of SW corner of northeast of the box  
culvert at the SE corner of 52nd and Main Avenue,  
Deduction = 0.59 to .60 feet

[illegible]

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer in the State of Maryland.

Dated this 13th day of May, 2014

SINDE LANDQUIST, LLC  
By: *Sinde Landquist*  
Aves & Collins, VA. N.E. No. 8373



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Inland Addition – Zoning Change (RM30 to RT)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> May 28, 2014	
<b>Owner(s):</b> Mary Nordstrom (owner) Inland Oil & Gas Corporation (applicant)	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> To plat and rezone property for a new office building.		
<b>Location:</b> In south Bismarck along the south side of Riverwood Drive west of South Washington Street (part of the NE¼ of Section 8, T138N-R80W/Lincoln Township).		
<b>Project Size:</b> 2.0 acres +/-	<b>Number of Lots:</b> 2 lots in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Retail clothing store (Lot 1) Undeveloped (Lot 2)	<b>PROPOSED CONDITIONS:</b>	
	<b>Land Use:</b> Retail clothing store (Lot 1) Office building (Lot 2)	
<b>Zoning:</b> RM30 – Residential	<b>Zoning:</b> RT – Residential	
<b>Uses Allowed:</b> Multi-family dwellings	<b>Uses Allowed:</b> Multi-family dwellings and office uses	
<b>Maximum Density Allowed:</b> 30 units per acre	<b>Maximum Density Allowed:</b> 30 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980	<b>Platted:</b> N/A	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. There is an existing commercial use on the proposed Lot 1, Block 1. A commercial use is not a permitted use in the RM or RT zoning districts. The use of the existing facility as a commercial use will be allowed to continue and is considered a pre-existing non-conforming use that is allowed to operate at this location. Expansion of the commercial use will not be permitted.</li> <li>2. Access to the site will be limited to one access point along Riverwood Drive. The appropriate location will be determined during the site plan review process.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed subdivision is outside the boundaries of the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan.</li> <li>2. The proposed subdivision would generally be compatible with adjacent land uses. Adjacent land uses include multi-family residential to the south and west, West Bismarck Expressway to the north and a single-family dwelling to the east. A landscape buffer yard would be required along the east property line, adjacent to the single-family land, when the property is developed.</li> </ol>		

*(continued)*



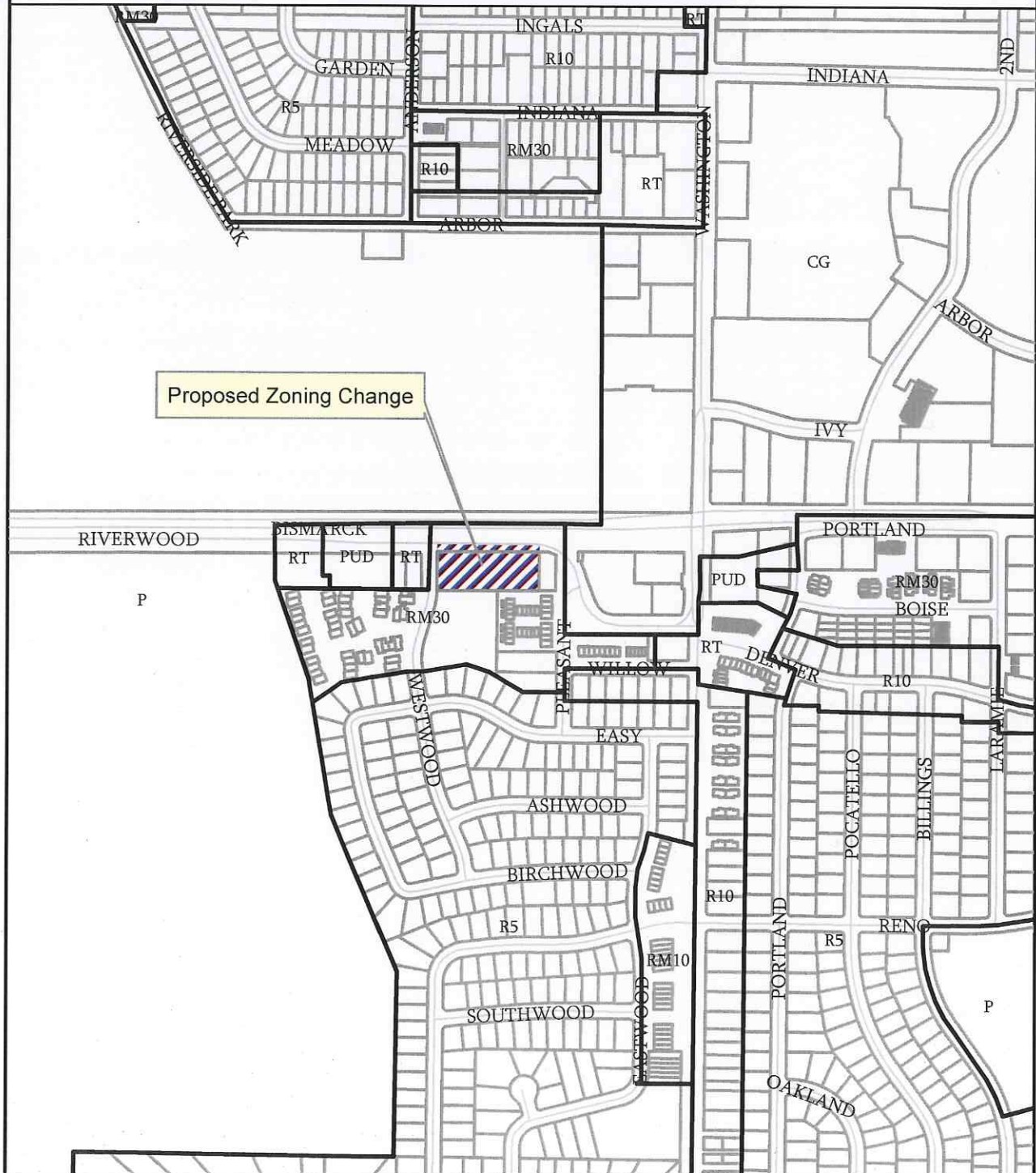
3. The property is already annexed; therefore the proposed subdivision would not place an undue burden on public services.
4. The proposed zoning change would not have an adverse impact on property in the vicinity.
5. The proposed zoning is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the RM30 – Residential zoning district to the RT – Residential zoning district for Inland Addition.

*/jt*

# Proposed Zoning Change (RM30 to RT) Inland Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Date: 4/28/2014(hlb)

Source: City of Bismarck

0 550 1,100  
Feet



# Inland Addition - Zoning Change

## Existing Zoning



## Proposed Zoning



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May 2014



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Inland Addition – Preliminary Plat		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> May 28, 2014	
<b>Owner(s):</b> Mary Nordstrom (owner) Inland Oil & Gas Corporation (applicant)	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> To plat and rezone property for a new office building.		
<b>Location:</b> In south Bismarck along the south side of Riverwood Drive west of South Washington Street (part of the NE¼ of Section 8, T138N-R80W/Lincoln Township).		
<b>Project Size:</b> 2.0 acres +/-	<b>Number of Lots:</b> 2 lots in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Retail clothing store (Lot 1) Undeveloped (Lot 2)	<b>PROPOSED CONDITIONS:</b>	
	<b>Land Use:</b> Retail clothing store (Lot 1) Office building (Lot 2)	
<b>Zoning:</b> RM30 – Residential	<b>Zoning:</b> RT – Residential	
<b>Uses Allowed:</b> Multi-family dwellings	<b>Uses Allowed:</b> Multi-family dwellings and office uses	
<b>Maximum Density Allowed:</b> 30 units per acre	<b>Maximum Density Allowed:</b> 30 units per acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980	<b>Platted:</b> N/A	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. There is an existing commercial use on the proposed Lot 1, Block 1. A commercial use is not a permitted use in the RM or RT zoning districts. The use of the existing facility as a commercial use will be allowed to continue and is considered a pre-existing non-conforming use that is allowed to operate at this location. Expansion of the commercial use will not be permitted.</li> <li>2. Access to the site will be limited to one access point along Riverwood Drive. The appropriate location will be determined during the site plan review process.</li> </ol>		
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. All technical requirements for consideration of a preliminary plat have been met.</li> <li>2. The proposed subdivision is outside the boundaries of the Fringe Area Road Master Plan.</li> </ol>		
<i>(continued)</i>		



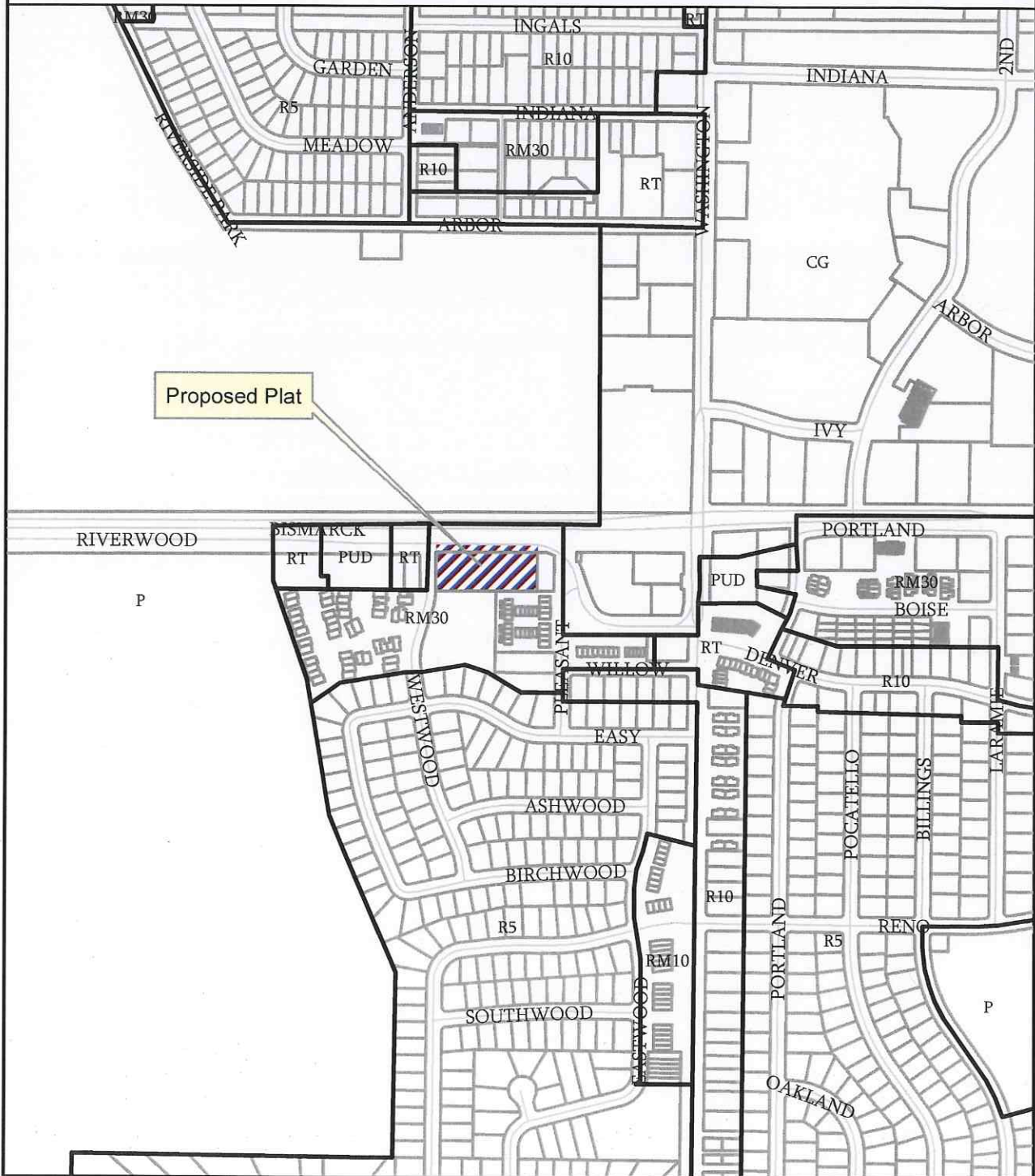
3. The proposed subdivision would generally be compatible with adjacent land uses. Adjacent land uses include multi-family residential to the south and west, West Bismarck Expressway to the north and a single-family dwelling to the east. A landscape buffer yard would be required along the east property line, adjacent to the single-family land, when the property is developed.
4. The property is already annexed; therefore the proposed subdivision would not place an undue burden on public services.
5. The proposed subdivision would not have an adverse impact on property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends tentative approval of the preliminary plat for Inland Addition.

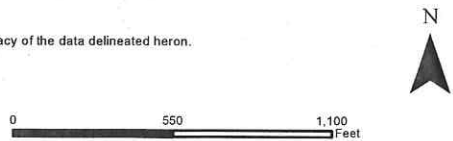
*/jt*

# Proposed Plat Inland Addition



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Date: 4/28/2014(hlb)

Source: City of Bismarck





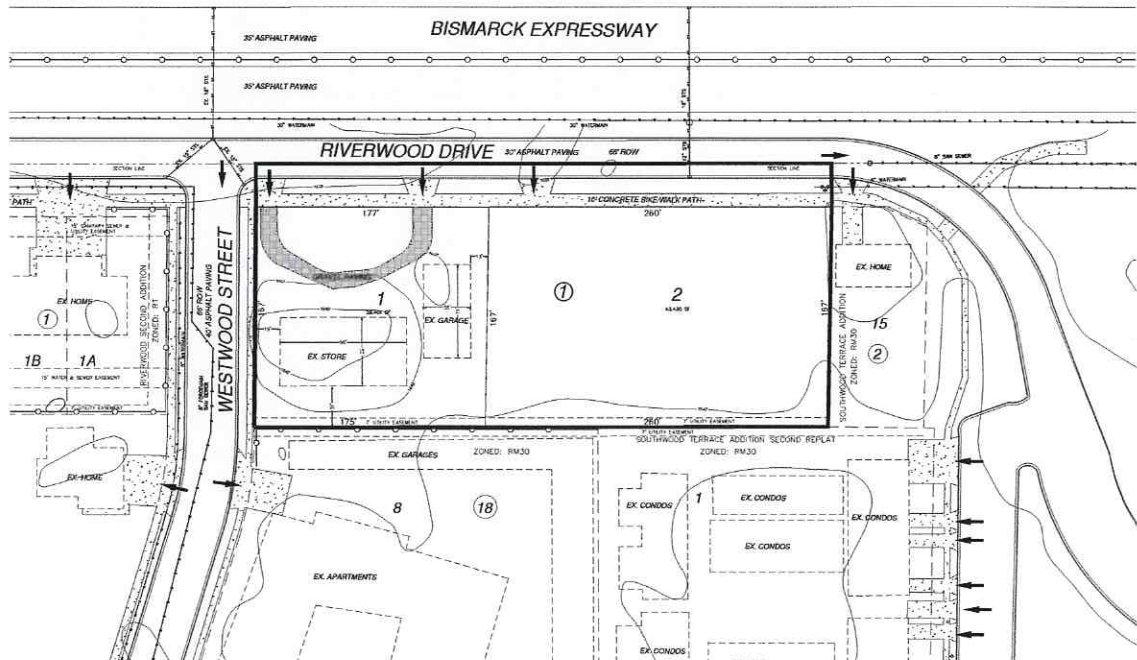
SCALE - 1"=40'  
0 20 40 60  
APRIL 15, 2014  
NAND BB

# INLAND ADDITION

PART OF THE NORTHEAST 1/4  
OF SECTION 8, T. 138 N., R. 80 W.

## BISMARCK, NORTH DAKOTA

MAY 14 2014



LOCATION MAP

**OWNER:**  
MARY NORDSTROM  
505 RIVERWOOD DR  
BISMARCK, ND 58504

**DEVELOPER:**  
INLAND OIL & GAS CORP.  
711 RIVERWOOD DR  
BISMARCK, ND 58504  
701 255 1416

2.00 ACRES  
EXISTING ZONING: RM 30  
PROPOSED ZONING: RT  
2 LOTS





**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lots 3-6, Block 1, Kamrose Addition – Zoning Change (RM15 to PUD) (To be replatted and known as Kamrose Crossing Addition)		
<b>Status:</b> Planning Commission – Consideration	<b>Date:</b> May 28, 2014	
<b>Owner(s):</b> Verity Homes of Bismarck, LLC	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Rezone property to allow the development of an 18-building/74-unit row house development.		
<b>Location:</b> In south Bismarck in the northeast corner of the intersection of South Washington Street and Burleigh Avenue, along the west side of Rutland Drive.		
<b>Project Size:</b> 4.96 acres	<b>Number of Lots:</b> 4 lots in 1 block (to be replatted as 78 lots)	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> RM15 – Residential	<b>Land Use:</b> 18-building row house development	
<b>Uses Allowed:</b> Multi-family residential	<b>Zoning:</b> PUD – Planned Unit Development	
<b>Maximum Density Allowed:</b> 15 units/acre	<b>Uses Allowed:</b> PUD – Uses specified in PUD	
	<b>Maximum Density Allowed:</b> PUD – Density as specified in PUD	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 09/2013	<b>Platted:</b> 09/2013	<b>Annexed:</b> 06/2007
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed zoning change is outside of the area covered by the Future Land Use Plan(FLUP) in the 2014 Growth Management Plan.</li> <li>2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing twin homes to the north and east, a storm water detention area to the west and undeveloped agricultural land to the south across Burleigh Avenue.</li> <li>3. The property is annexed and services would be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities.</li> <li>4. The proposed zoning change would not adversely affect property in the vicinity.</li> <li>5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.</li> <li>6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.</li> </ol>		



**RECOMMENDATION:**

Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RM15 – Residential zoning district to the PUD – Planned Unit Development zoning district, as outlined in the attached draft PUD ordinance.

*/jt*

**ORDINANCE NO.**

*Introduced by* \_\_\_\_\_

*First Reading* \_\_\_\_\_

*Second Reading* \_\_\_\_\_

*Final Passage and Adoption* \_\_\_\_\_

*Publication Date* \_\_\_\_\_

**AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.**

**BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:**

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RM15 – Residential District and included within the PUD – Planned Unit Development District.

Lots 1-78, Block 1, Kamrose Crossing Addition.

This PUD is subject to the following development standards:

1. *Uses Permitted.* Uses permitted include a maximum of 74 residential units in a mix of 3 to 5-unit row houses. The configuration of residential units shall generally conform to the overall development plan for Kamrose Crossing Addition dated April 25, 2014. Any change in the use of the property from that indicated above will require an amendment to this PUD.
2. *Multi-family Residential Development Standards.* Each interior buildable lot shall have an area of not less than twelve-hundred (1,200) square feet, a minimum width at the building setback line of not less than sixteen (16) feet, a minimum front yard setback of twenty-five (25) feet (as measured from the edge of the lot), a minimum side yard setback of five (5) feet, a minimum rear yard setback of five (5) feet, and a maximum building height of forty (40) feet. Rear yards are along the private access roads and the front yard is along the courtyard portion of the site.
3. *Private Roadway Maintenance.* The development and construction of the private roadway shall be the responsibility of the developer. On-going repair

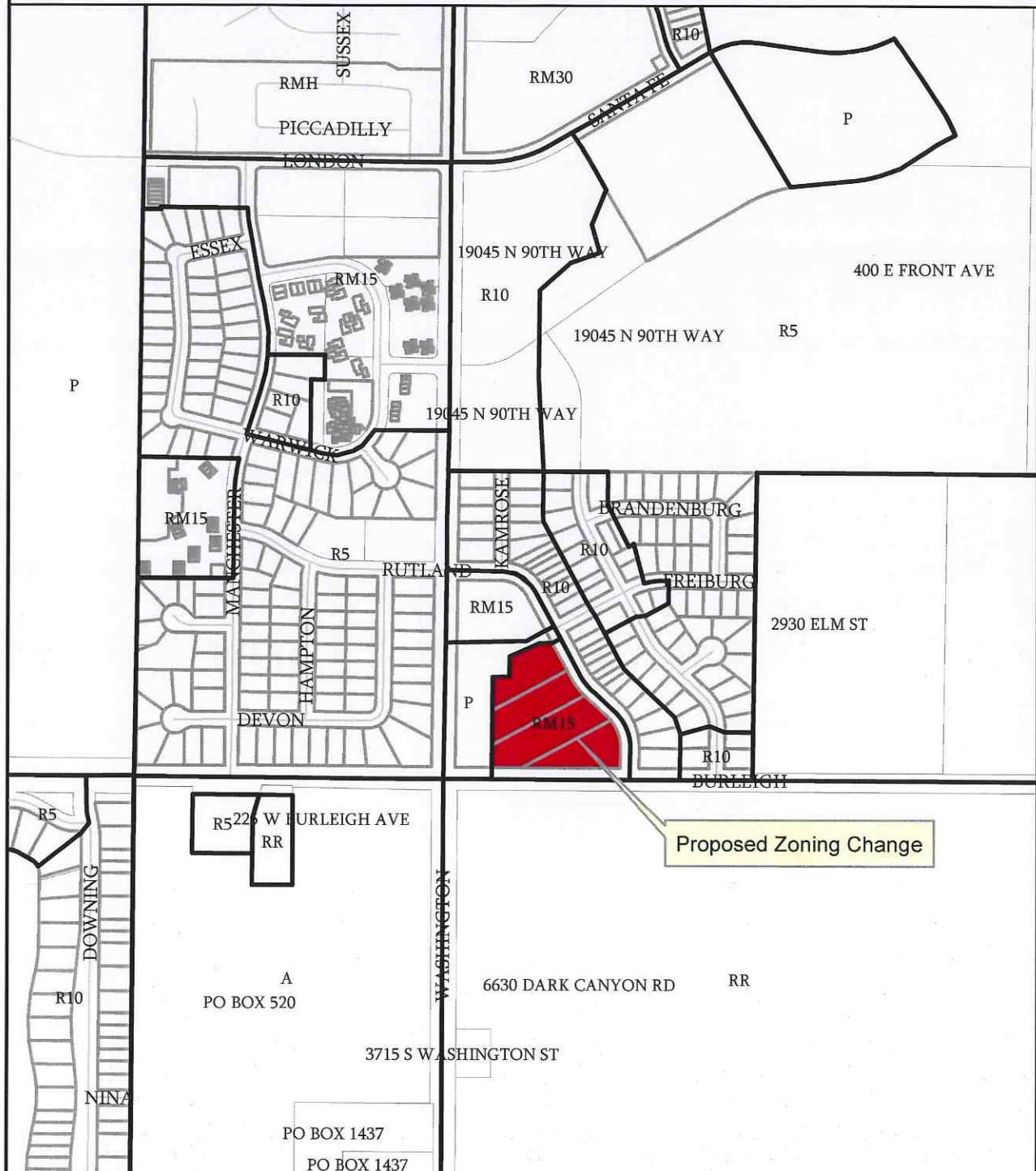
and maintenance of the private roadway shall be the responsibility of the home owners association.

4. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

# **Proposed Zoning Change (RM15 to PUD)** **Lots 3-6, Block 1, Kamrose Addition**



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
 Date: 4/28/2014(hlb)

Source: City of Bismarck

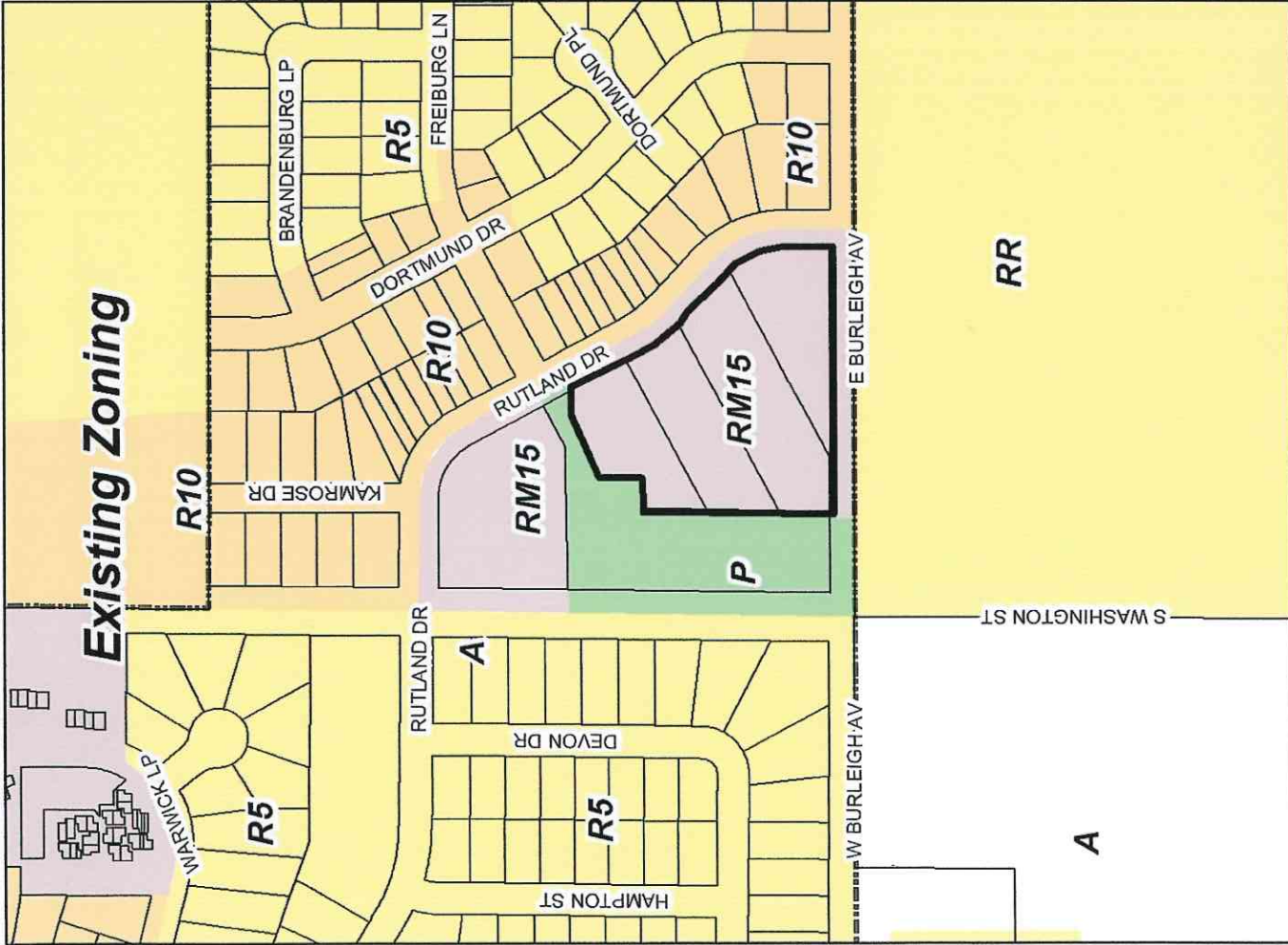
0 550 1,100 Feet



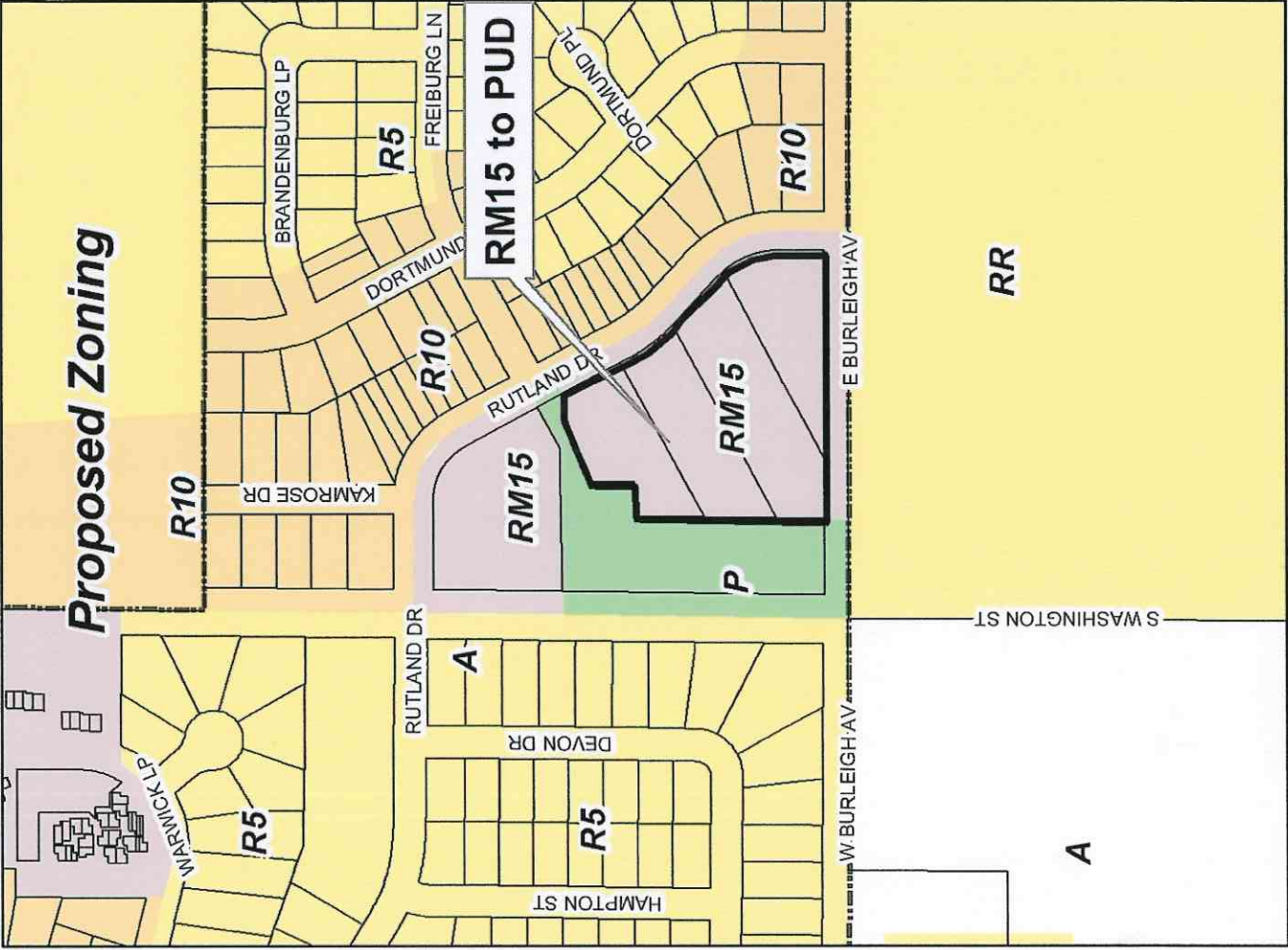


# Kamrose Crossing Addition - Zoning Change

## Existing Zoning



## Proposed Zoning



## **Kamrose Crossing Addition**

### **Request for Approval of Kamrose Crossing Planned Unit Development**

Verity Homes of North Dakota is proposing to develop approximately 4.94 acres located East of Rutland Drive and North of Burleigh Ave. The area is currently platted as Lots 3-6, Block 1 Kamrose Addition, Bismarck, North Dakota.

Verity Homes is considering developing the property into a residential development with 74 row houses that will include a mix of two and three bedroom units, featuring high end finishes such as quartz countertops, hardwood flooring, and security systems, along with architectural design unique to the area.

Verity Homes proposes rezoning the property to a PUD district in order to accommodate the intended project which will result in a logical and orderly development pattern that will be consistent with surrounding land uses. The projected density of 15 units per acre and reconfiguration of the lots is not to establish new uses, but to allow for potential homeowners to have a vested interest in their residence, while sharing in the use and maintenance of designated common areas used for green space, driving lanes, emergency access, a dog park and storm water storage and drainage.

The project will address the housing needs of the community by building modestly priced housing in south Bismarck. Verity Homes anticipates that the proposed row houses, situated on smaller parcels of land, will attract younger, first-time homebuyers.

Considering that the existing zoning of the property allows for the construction of apartment buildings and other medium density residences, the proposed zoning change would not adversely affect property in the vicinity.

Interior landscaping, adequate parking and emergency lane access will be applied per the city standards and ordinances.

Zoning: PUD

Front yard: 25'

Side yard: 5'

Rear yard: 5'

Zero setback on Access Easements

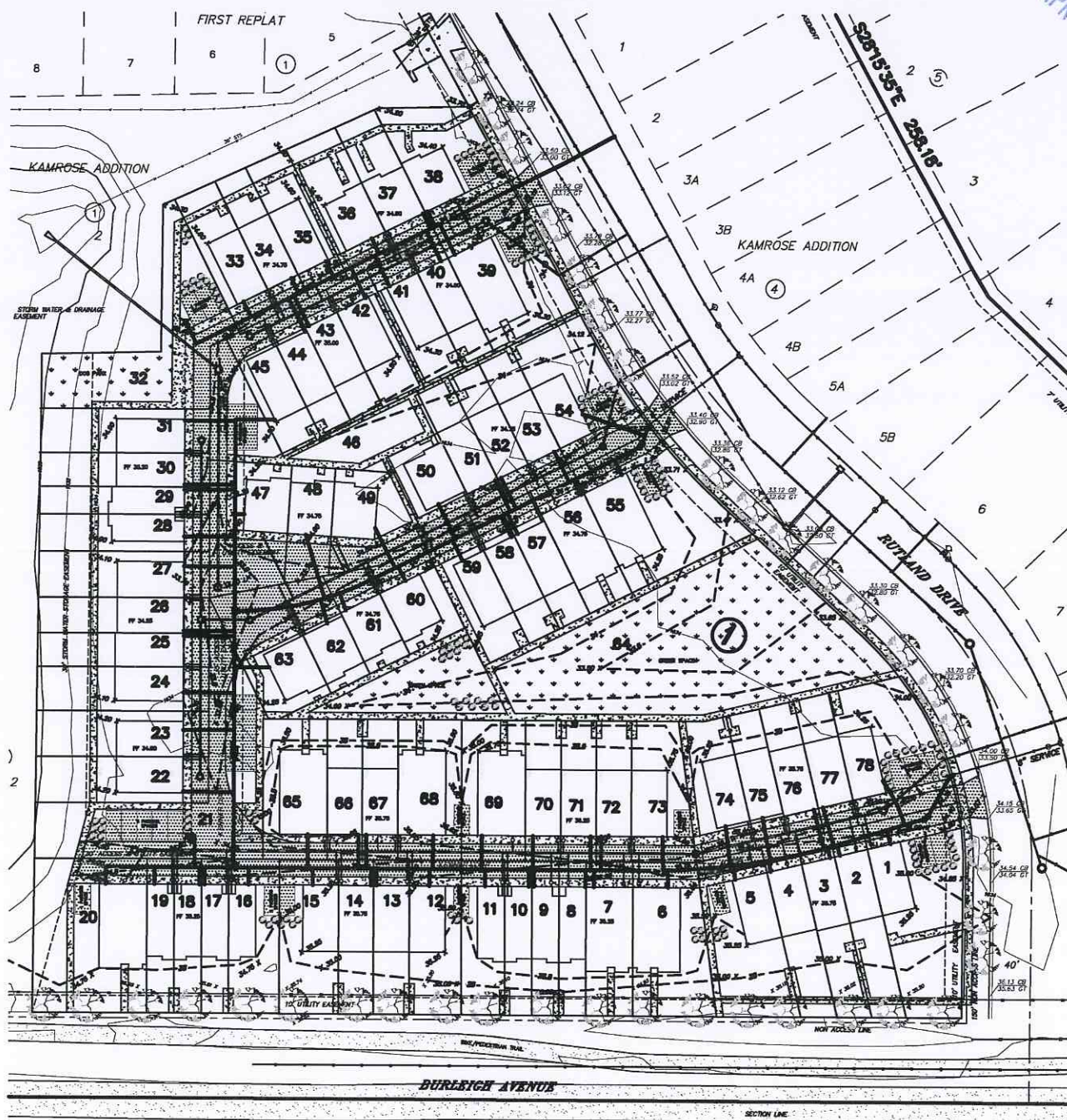
Lot area: 1,200 square feet minimum

Building Height: 40' maximum (37' Typical)

See attachments for architectural drawings, etc.



RECEIVED  
APR 23 2014



**EXISTING ZONING: RM 15**  
**PROPOSED ZONING: PUD**

DEPTH OF FRONT YARD : 25'  
WIDTH OF SIDE YARD: 6'  
DEPTH OF REAR YARD: 5'  
LOT WIDTH IN FRONT OF BUILDING LINE: 16'  
MAXIMUM NUMBER OF UNITS: 74  
MAXIMUM BUILDING HEIGHT: 40'  
MINIMUM LOT SIZE:  
INTERIOR: 1,200 sf  
END : 1,400 sf

SHEET  
C1.0

DATE  
FILED  
COMPUTER FILED

DESIGNED BY  
CHECKED BY  
DATE  
FILED  
COMPUTER FILED



**SWENSON, HAGEN & COMPANY P.C.**  
3009 Bain Avenue  
Bismarck, North Dakota 58104  
Phone (701) 223-3000  
Fax (701) 223-3006  
Surveying  
Hydrology  
Land Planning  
Civil Engineering  
Landscape & Site Design  
Construction Management

**PUD SITE PLAN & ZONE CHANGE**  
**KAMROSE CROSSING**  
**REPLAT OF LOTS 3-6 BLOCK 1**  
**KAMROSE ADDITION**

REVISION	DATE





South Washington St

Rutland Drive

East Burleigh Ave

**BUILDING LOCATION PLAN**  
 REDDOOR HOMES | BISMARCK, NORTH DAKOTA

KAMROSE SITE - PUD APPLICATION  
 25 APRIL 2014

A

URBAN DESIGN ASSOCIATES

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**EAST BURLEIGH AVE VIEW LOOKING WEST**  
REDDOOR HOMES | BISMARCK, NORTH DAKOTA

KAMROSE SITE - PUD APPLICATION  
25 APRIL 2014

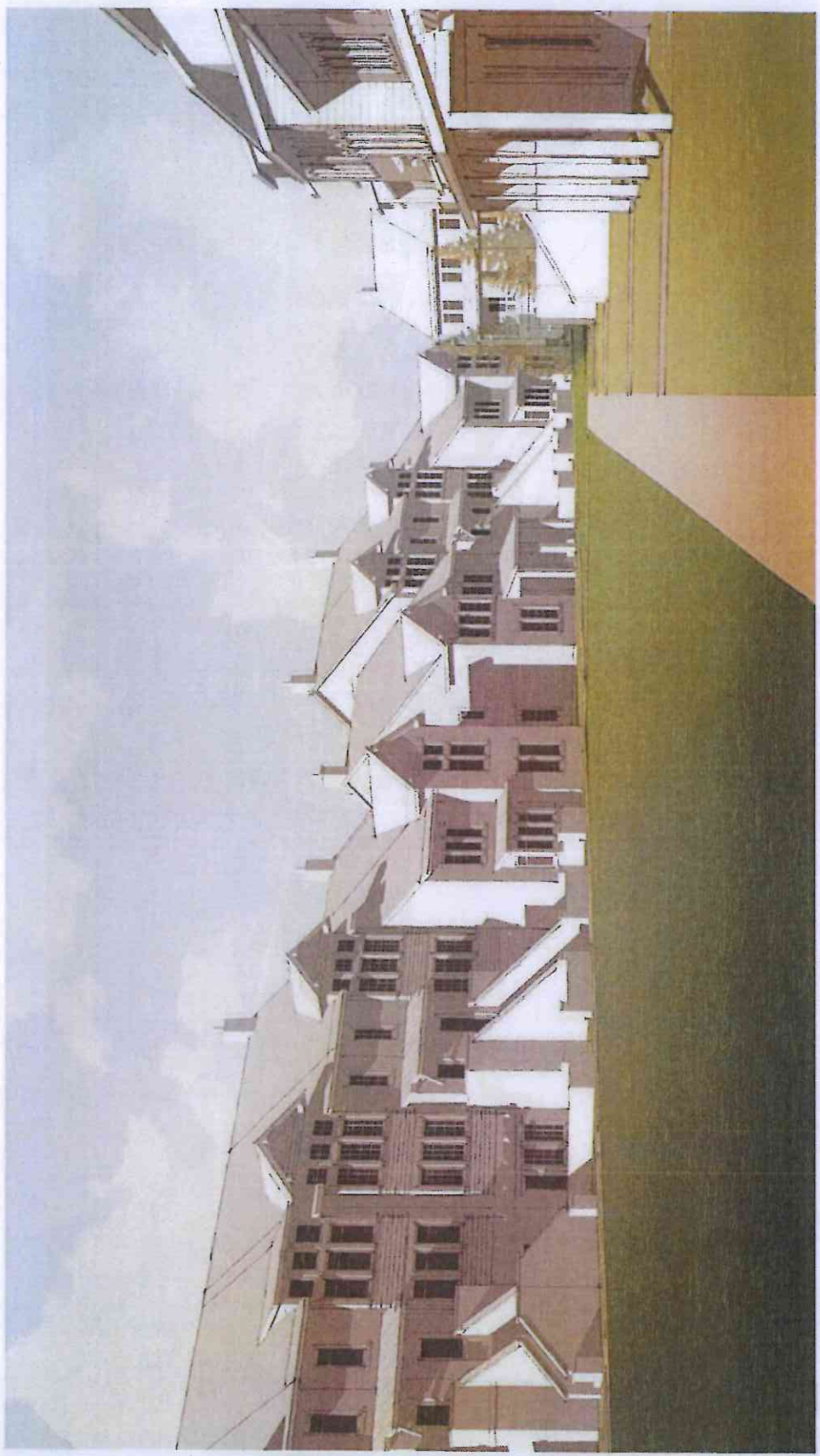
B



URBAN DESIGN ASSOCIATES

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COURTYARDV VIEW LOOKING SOUTHWEST  
REDDOOR HOMES | BISMARCK, NORTH DAKOTA

KAMROSE SITE - FUD APPLICATION  
25 APRIL 2014

C



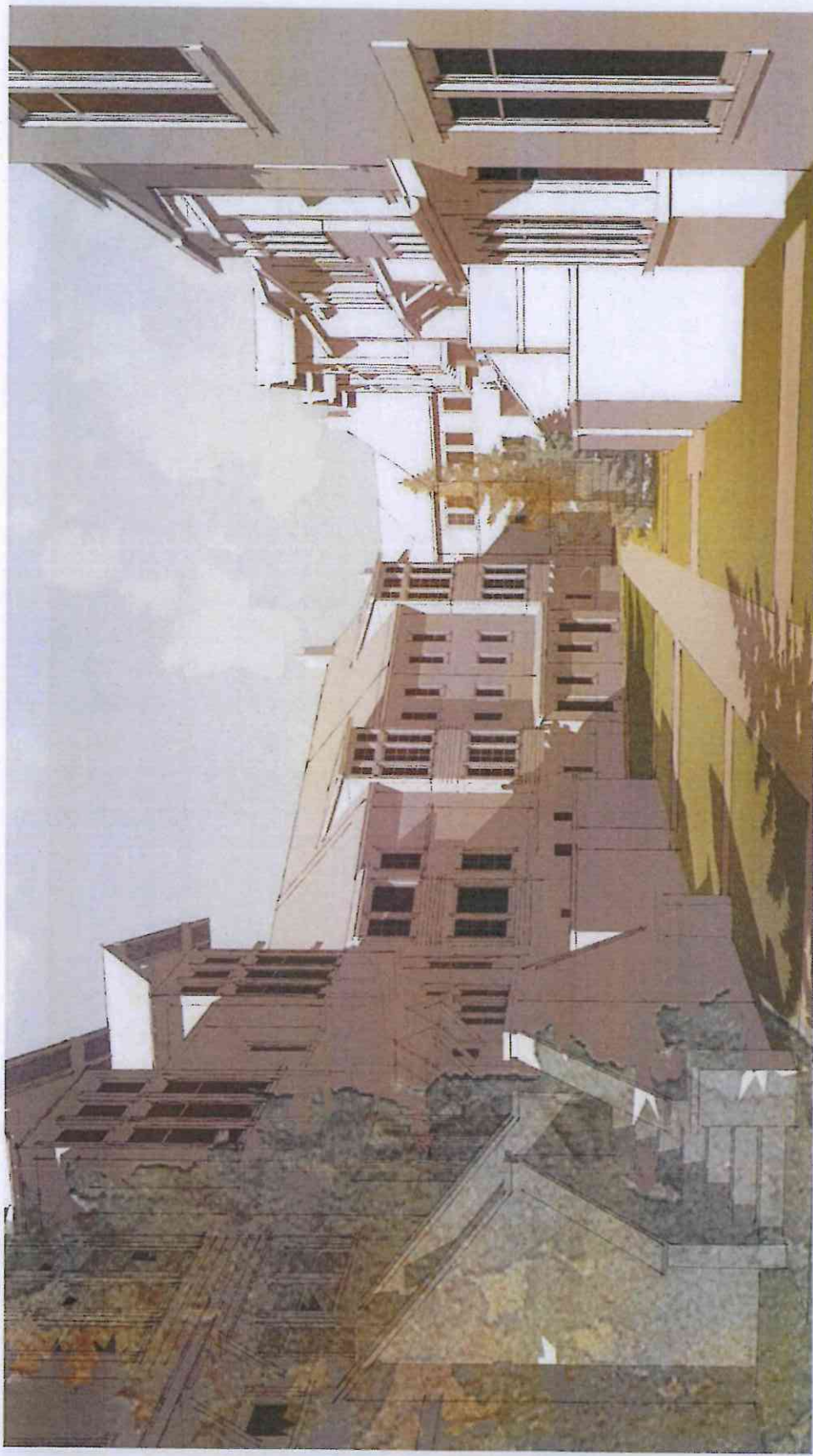
KAMROSE SITE - PUD APPLICATION  
25 APRIL 2014

COURTYARD VIEW LOOKING NORTHWEST  
REDDOOR HOMES | BISMARCK, NORTH DAKOTA



KAMROSE SITE - PUD APPLICATION  
25 APRIL 2014

MEWS VIEW LOOKING WEST  
REDDOOR HOMES | BISMARCK, NORTH DAKOTA





F

KAMROSE SITE - PUD APPLICATION  
25 APRIL 2014

VIEW LOOKING NORTHEAST FROM CORNER  
REDDOOR HOMES | BISMARCK, NORTH DAKOTA



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# CITY OF BISMARCK

## Ordinance No. XXXX

**First Reading** \_\_\_\_\_

**Second Reading** \_\_\_\_\_

**Final Passage and Adoption** \_\_\_\_\_

**Publication Date** \_\_\_\_\_

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-04-07 AND 14-04-0 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE RM RESIDENTIAL AND RT RESIDENTIAL DISTRICTS, USES PERMITTED, ROW HOUSES.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-04-07 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RM Residential District is hereby amended and re-enacted to read as follows:

14-04-07. RM Residential District. In any RM residential district the following regulations shall apply:

\* \* \* \* \*

2. Uses permitted. The following uses are permitted.

\* \* \* \* \*

e. Row houses. Attached single-family dwellings in groups of not more than eight (8) or less than ~~two (2)~~ three (3) dwelling units in one building, or in groups of not more than eight (8) or less than two (2) dwelling units when constructed as part of an overall row house development with at least three (3) buildings.

1) Density. The maximum allowable density per acre shall be as stipulated in the underlying zoning district.

## 2) Lot and Yard Requirements.

Each attached single-family dwelling hereafter erected shall conform to the following minimum lot area and yard requirements:

	Interior	End	Corners
Lot area in square feet	2,300	3,220	3,795
Lot width of front building line in feet	20	28	33
Depth of lot in front	115	115	115
Depth of front yard in feet	25	25	25
Width of side yard in feet		10	25
Depth of rear yard in feet	20	20	20

3) Height regulations. The maximum height of any principal building shall be forty (40) feet.

4) Safety provision. Row houses shall have wall separations between each dwelling unit of at least a two-hour fire-rated wall which shall extend from the footing to and through the roof at least thirty (30) inches except as may be allowed by the city building code pertaining to area separation walls.

5) Off-street parking. Off-street parking spaces shall be provided for each dwelling unit in compliance with Section 14-03-10 hereof.

6) Regulations Imposed on Overall Structure. The lot coverage requirements and the minimum front, side and rear yard setbacks shall be imposed on the overall structure rather than on each individual unit.

\* \* \* \* \*

Section 2. Amendment. Section 14-04-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RT Residential District is hereby amended and re-enacted to read as follows:

14-04-08. RT Residential District. In any RT residential district the following regulations shall apply:

\* \* \* \* \*

2. Uses permitted. The following uses are permitted.

\* \* \* \* \*

h. Row houses. Attached single-family dwelling in groups of not more than eight (8) nor less than ~~two (2)~~ three (3) dwelling units in one building, or in groups of not more than eight (8) or less than two (2) dwelling units when constructed as part of an overall row house development with at least three (3) buildings.

1) Density. The maximum allowable density is sixteen (16) families per net acre.

2) Lot area.

a) Lot and yard requirement regulations for row house use. Each attached single-family dwelling hereafter erected shall conform to the following minimums:

	Interior	Interior End	Street Corners
Lot area in square feet	2,300	3,220	3,795
Lot width of front building line in feet	20	28	33
Depth of lot in feet	115	115	115
Depth of front yard in feet	25	25	25
Width of side yard in feet	-	10	25
Depth of rear yard	20	20	20



in feet

3) Height regulations. The maximum height of any principal building shall be forty (40) feet.

4) Safety provision. Row houses shall have wall separations between each dwelling unit of at least a two-hour fire-rated wall which shall extend from the footing to and through the roof at least thirty (30) inches except as may be allowed by Chapter 5 of the city building code pertaining to area separation walls.

5) Access to rear yards. The required rear yard to each row dwelling shall have an unobstructed access to a public walkway at least four (4) feet wide extending to an alley or street.

6) Off-street parking. Off-street parking spaces shall be provided for each dwelling unit as provided under Section 14-03-10 of this ordinance.

\* \* \* \* \*

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect following final passage, adoption and publication.

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>	
<b>Title:</b> University of Mary Subdivision – Zoning Change (A & RR to P)	
<b>Status:</b> Planning Commission – Public Hearing (cont.)	<b>Date:</b> May 28, 2014
<b>Owner(s):</b> University of Mary	<b>Engineer:</b> Swenson, Hagen & Co.
<b>Reason for Request:</b> Plat and rezone property for further development of university campus.	
<b>Location:</b> Along the west side of ND Highway 1804 approximately two miles south of 48 <sup>th</sup> Avenue SE (Government Lots 14, 15 & 16 of Section 34 and parts of Lots 4, 5, 6 & 7 of Rockstad Subdivision of the NW¼ of Section 35 and part of the SW¼ of Section 35, T138N- R80W/Lincoln Township, and part of Government Lot 1 of the NE¼ of Section 3 and part of Government Lot 4 of the NW¼ of Section 2, T137N-R80W/Fort Rice Township).	
<b>Project Size:</b> 203.24 acres	<b>Number of Lots:</b> 7 lots in 1 block
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> University campus	<b>Land Use:</b> University campus
<b>Zoning:</b> A – Agricultural RR – Residential	<b>Zoning:</b> P – Public
<b>Uses Allowed:</b> A – Agriculture RR – Rural residential	<b>Uses Allowed:</b> P – Public uses, including educational facilities
<b>Maximum Density Allowed:</b> A – One unit/40 acres RR – One unit/65,000sf	<b>Maximum Density Allowed:</b> P – No density indicated – dormitory and similar residential allowed in conjunction with educational facility
<b>PROPERTY HISTORY:</b>	
<b>Zoned:</b> 12/1976 (Sections 34 and 35)	<b>Platted:</b> 01/1981 (Rockstad Subdivision)
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>1. This request was continued at the April 23<sup>rd</sup> Planning and Zoning Commission meeting because the storm water management plan for the final plat had not yet been approved, and to provide additional time to address issues raised by adjacent property owners.</li> <li>2. Although the P-Public zoning district has historically been used only for lands owned by a public entity, staff is of the opinion that this district is the most appropriate for this property as the University of Mary is a quasi-public institution.</li> </ol>	
<b>FINDINGS:</b>	
<ol style="list-style-type: none"> <li>1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies this area as a civic or public facility.</li> </ol>	

*(continued)*

4. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a combination of agricultural uses and rural residential to the north, east and south and to the west across Apple Creek.
5. The property is already developed and is served by public services and facilities; therefore, the zoning change would not place an undue burden on public services and facilities.
6. The proposed zoning change would not adversely affect property in the vicinity.
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

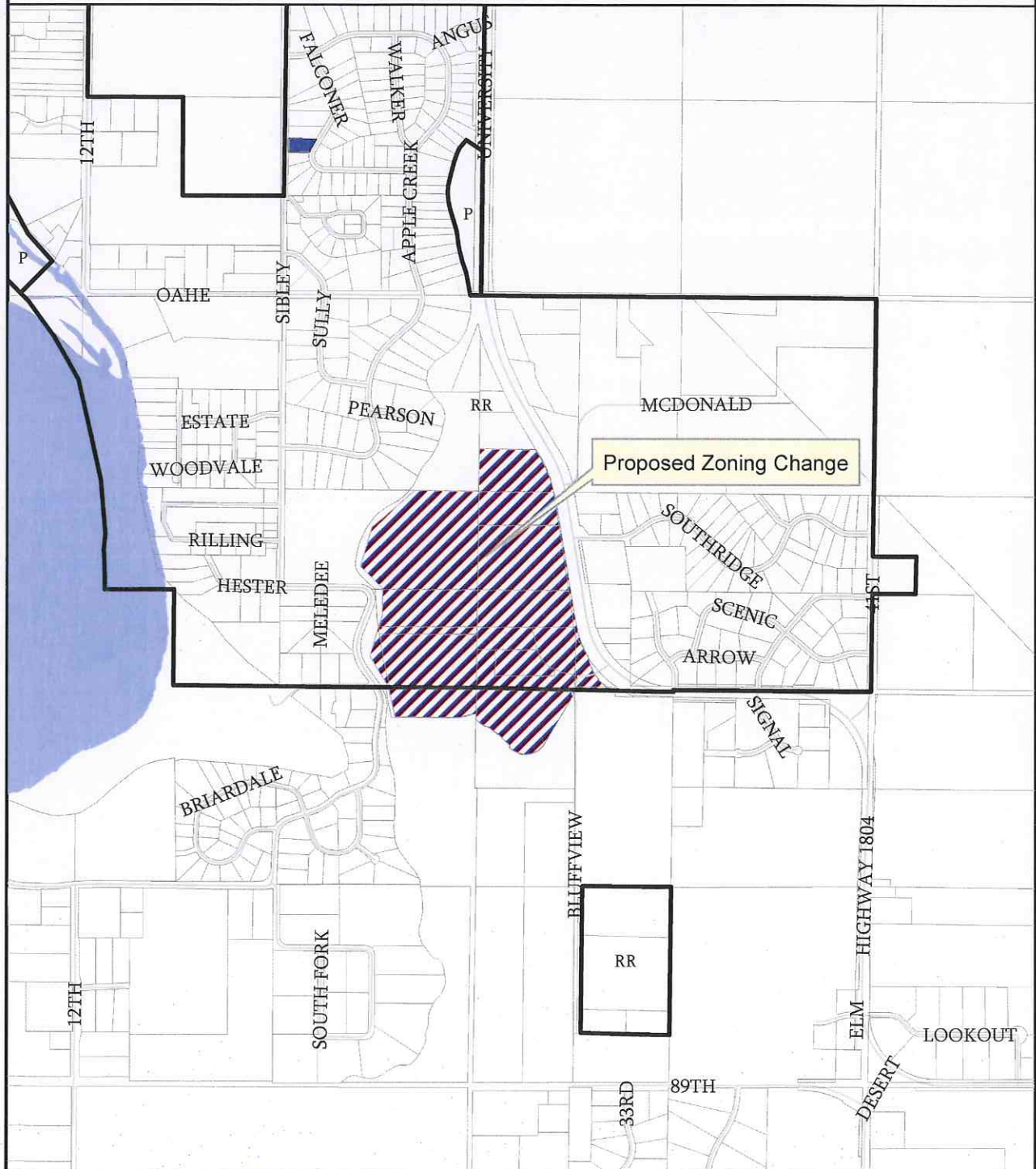
**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the zoning change from A – Agricultural and RR – Residential zoning districts to the P – Public zoning district for University of Mary Subdivision.

/Klee

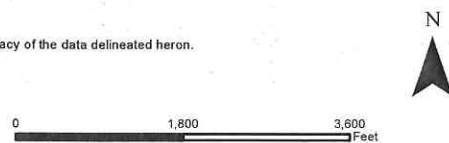


# Proposed Plat and Zoning Change (A & RR to P) University of Mary Subdivision



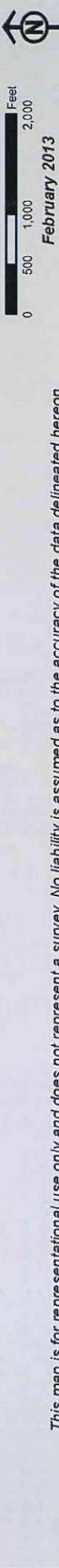
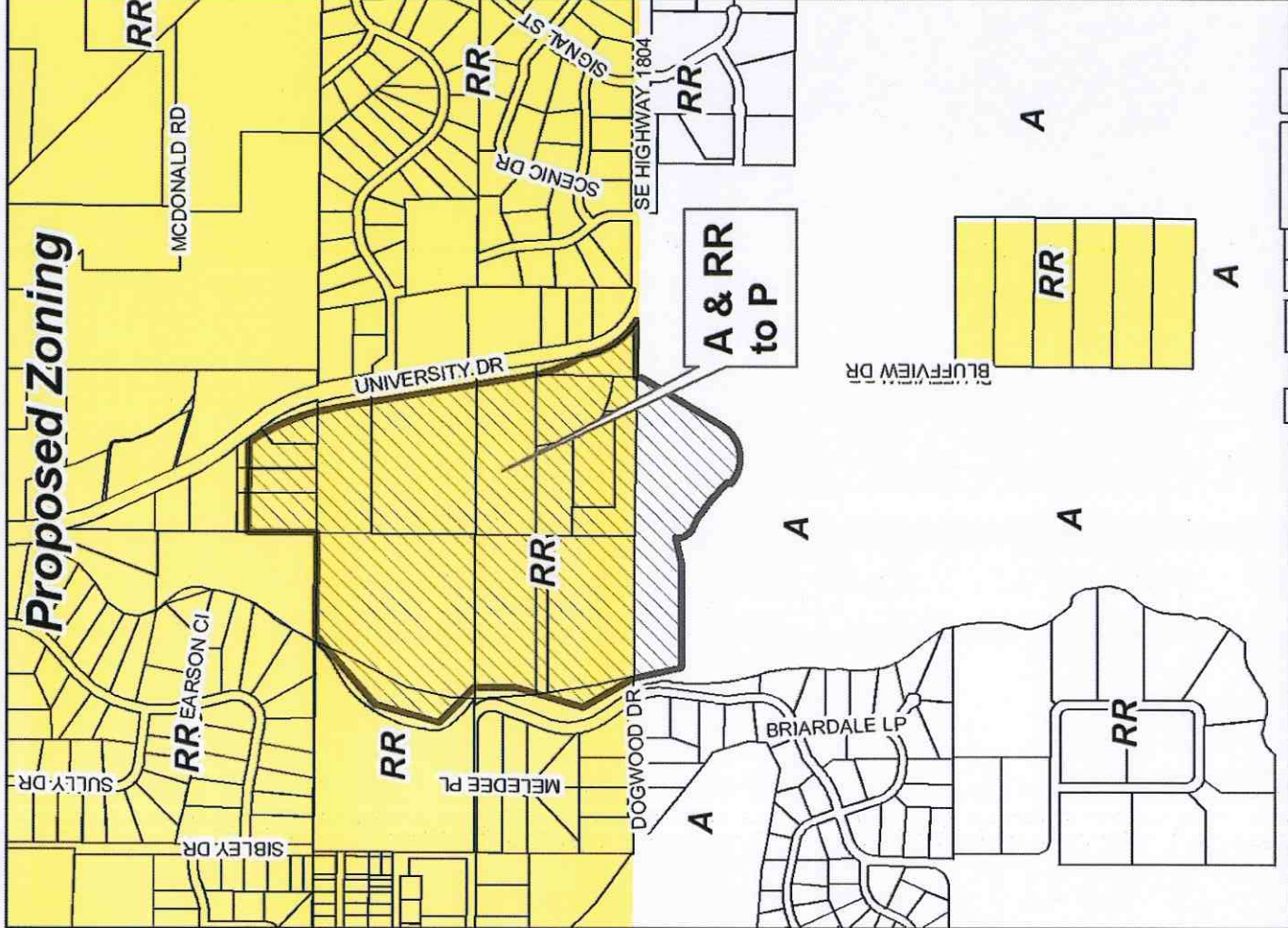
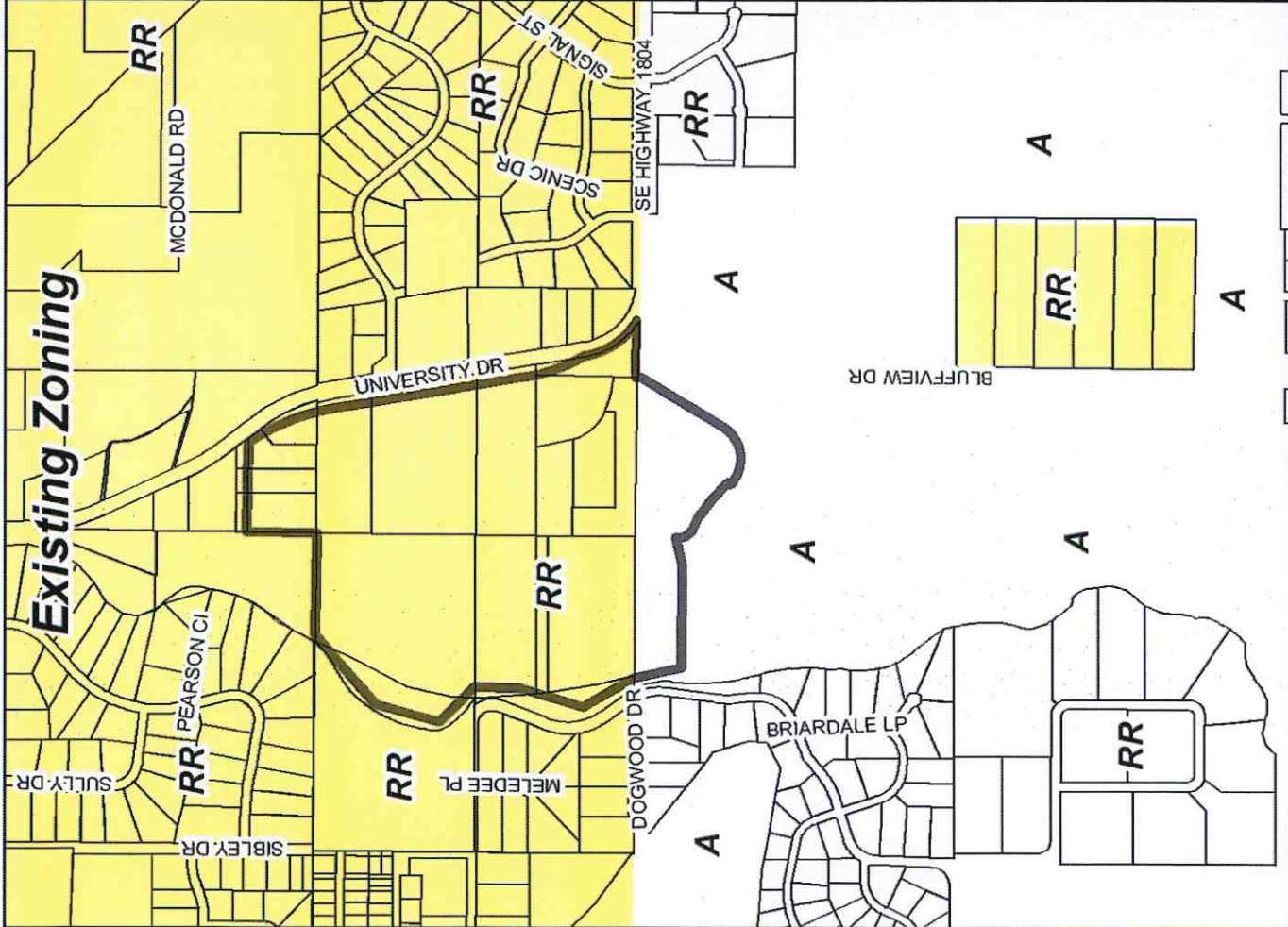
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Date: 5/20/2014(hlb)

Source: City of Bismarck





***University of Mary Subdivision - Zoning Change***





**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>	
<b>Title:</b> University of Mary Subdivision – Final Plat	
<b>Status:</b> Planning Commission – Public Hearing (cont.)	<b>Date:</b> May 28, 2014
<b>Owner(s):</b> University of Mary	<b>Engineer:</b> Swenson, Hagen & Co.
<b>Reason for Request:</b> Plat and rezone property for further development of university campus.	
<b>Location:</b> Along the west side of ND Highway 1804 approximately two miles south of 48 <sup>th</sup> Avenue SE (Government Lots 14, 15 & 16 of Section 34 and parts of Lots 4, 5, 6 & 7 of Rockstad Subdivision of the NW¼ of Section 35 and part of the SW¼ of Section 35, T138N-R80W/Lincoln Township, and part of Government Lot 1 of the NE¼ of Section 3 and part of Government Lot 4 of the NW¼ of Section 2, T137N-R80W/Fort Rice Township).	
<b>Project Size:</b> 203.24 acres	<b>Number of Lots:</b> 7 lots in 1 block
<b>EXISTING CONDITIONS:</b>	<b>PROPOSED CONDITIONS:</b>
<b>Land Use:</b> University campus	<b>Land Use:</b> University campus
<b>Zoning:</b> A – Agricultural RR – Residential	<b>Zoning:</b> P – Public
<b>Uses Allowed:</b> A – Agriculture RR – Rural residential	<b>Uses Allowed:</b> P – Public uses, including educational facilities
<b>Maximum Density Allowed:</b> A – One unit/40 acres RR – One unit/65,000sf	<b>Maximum Density Allowed:</b> P – No density indicated – dormitory and similar residential allowed in conjunction with educational facility
<b>PROPERTY HISTORY:</b>	
<b>Zoned:</b> 12/1976 (Sections 34 and 35)	<b>Platted:</b> 01/1981 (Rockstad Subdivision)
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>1. This request was continued at the April 23<sup>rd</sup> Planning and Zoning Commission meeting because the storm water management plan for the final plat had not yet been approved, and to provide additional time to address issues raised by adjacent property owners.</li> <li>2. The plat is being proposed at the request of the City to clean up the underlying legal description and allow further development of the University of Mary campus.</li> <li>3. The plat has been modified since tentative approval of the preliminary plat. In particular, the area occupied by a pond and the University's lagoon system were removed from the plat.</li> <li>4. The proposed plat is located within four sections. The proposed lot lines follow the quarter-section lines; however, the location of these lot lines bisects some of the existing buildings. In order to address this issue, all of the lots should be combined as one parcel by the County Auditor's Office when the plat is recorded.</li> </ol>	
<i>(continued)</i>	



5. There are section lines that pass through the proposed plat and some of the existing buildings within the proposed plat. These section lines were vacated by the Burleigh County Commission on December 16, 2013.
6. When the area that was platted as Rockstad Subdivision was acquired by the University of Mary in 2002, there was a verbal agreement between the University and the property owners to the north that this area would be used as a buffer area between the University and the rural residential parcels to the north, and that this area would not be developed as part of the University. The construction of the apartment-style dormitories on this parcel in 2012-2013 was seen by these property owners as a violation of this verbal agreement and they would like some assurance that additional development will not occur in this location.
7. The property owners to the northwest have requested the University of Mary to provide an access easement on the plat for the southern portion of their property. It is our understanding that the University has denied this request. These property owners are also concerned about encroachment of University uses up to their property line and would prefer that some type of buffer be maintained around the perimeter of the University property.
8. Planning staff had requested a no-build easement be added to the plat for the area north of the new apartment-style dormitories and below the top of the hill in an effort to provide a buffer area between the University use and the rural residential uses to the north. The landscape easement over the northern portion of Lot 1 has been increased from 200 feet to 300 feet, which will be close to the top of the hill. The property owners to the north would like to see a no build easement over all of the undeveloped property north of the road that provides access to the apartment-style dormitories.

#### **FINDINGS:**

1. The preliminary plat received tentative approval on February 27, 2013, with the understanding that the issues relating to the lot layout and the section lines are resolved prior to the submittal of the final plat. The size of the plat has been reduced since that time, with the area south of the main roadway through the campus being removed from the plat.
2. All technical requirements for approval of a final plat have been met.
3. The storm water management plan has been approved by the City Engineer, with written concurrence from the County Engineer.
4. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for the area, which identifies ND Highway 1804 as an arterial roadway.
5. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include a combination of agricultural uses and rural residential to the north, east and south and to the west across Apple Creek.
6. The property is already developed and is served by public services and facilities; therefore, the subdivision would not place an undue burden on public services and facilities.
7. The proposed subdivision would not adversely affect property in the vicinity.

*(continued)*

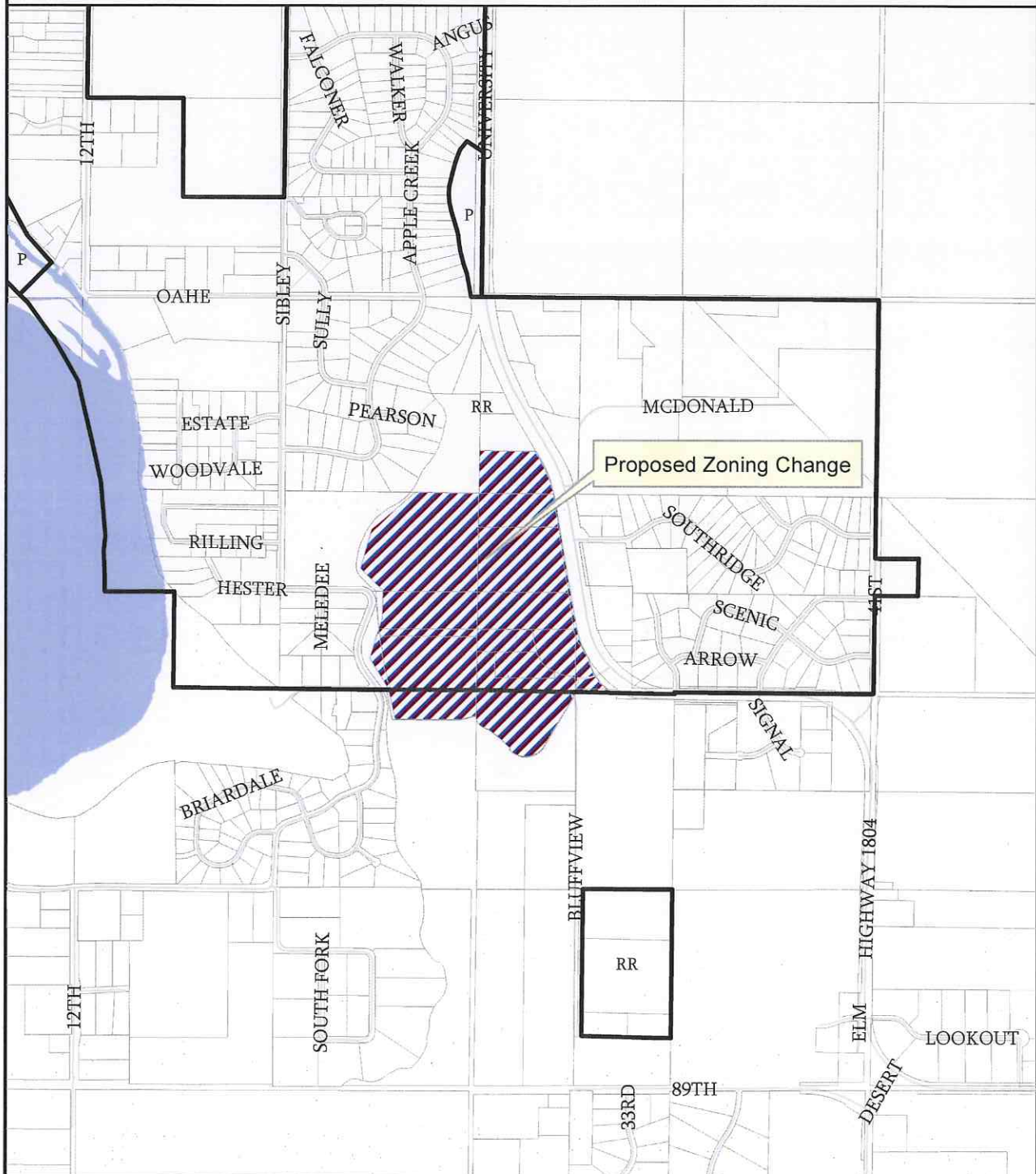
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
9. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval the final plat of the University of Mary Subdivision, with the understanding that a landscape plan for the 300-foot landscape easement will be submitted for City review and approval prior to any additional building permits being issued for the property, and that all of the lots will all be administratively combined as one parcel by the County Auditor's Office when the plat is recorded to eliminate property lines from bisecting existing buildings.

/Klee

# Proposed Plat and Zoning Change (A & RR to P) University of Mary Subdivision



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.  
Date: 4/16/2014(hlb)

Source: City of Bismarck

0 1,800 3,600 Feet







MAY 14 2014

# UNIVERSITY OF MARY SUBDIVISION

## BISMARCK, BURLEIGH COUNTY NORTH DAKOTA

GOVERNMENT LOTS 14, 15 & 16 OF THE SE 1/4 OF SECTION 34 AND PARTS OF LOTS 4, 5, 6 AND 7 OF ROCKSTAD SUBDIVISION OF THE NW 1/4 OF SECTION 35 & PART OF THE SW 1/4 OF SECTION 35, T. 138 N., R. 80 W. AND PART OF GOVERNMENT LOT 1 OF THE NE 1/4 OF SECTION 3, AND PART OF GOVERNMENT LOT 4 OF THE NW 1/4 OF SECTION 2, T. 137 N., R. 80 W.,

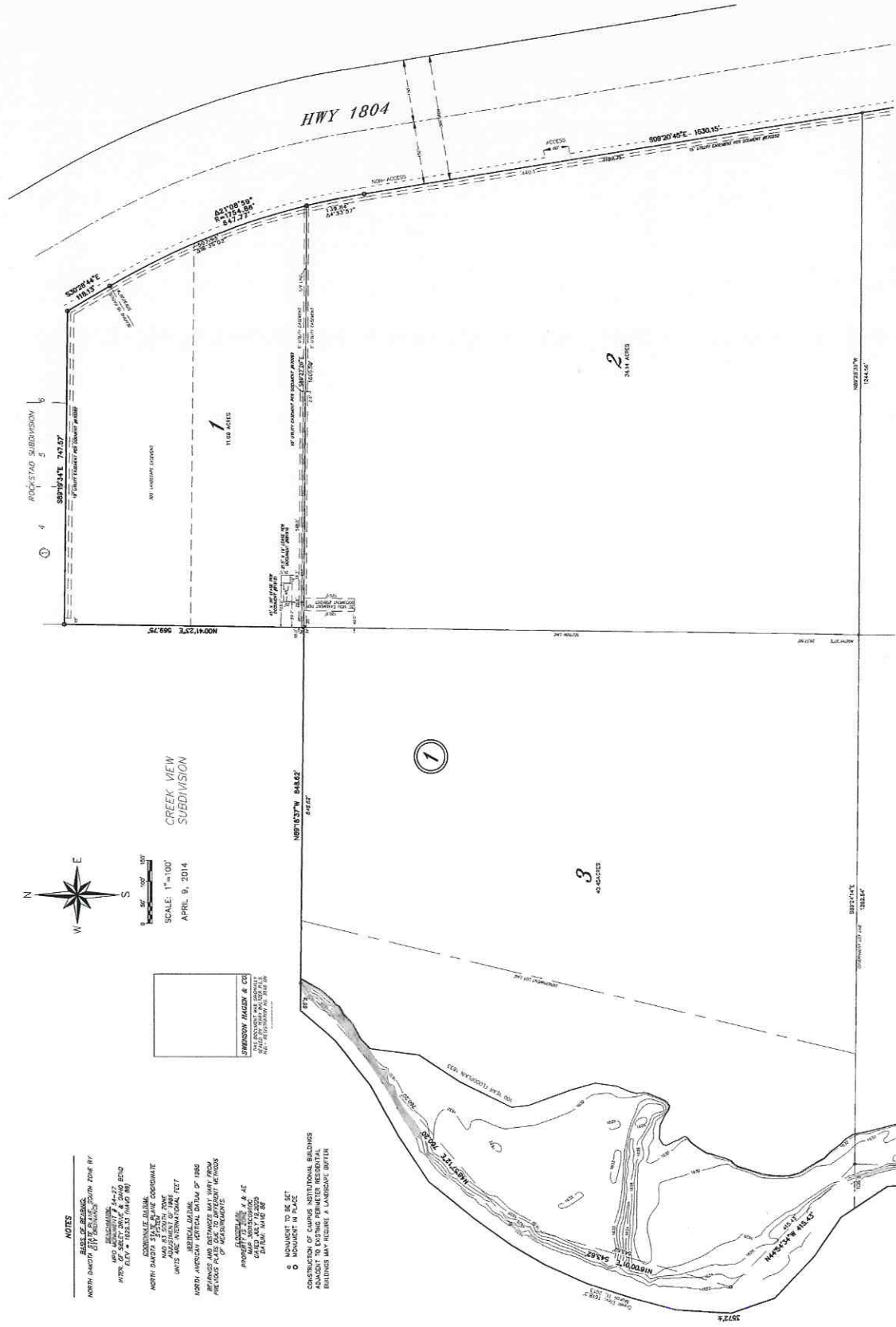
- NOTES**
- 1. BASE OF BEARING
  - 2. NORTH DAKOTA CITY RECORDS
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SCALE: 1"=100'  
APRIL 9, 2014  
CREEK VIEW  
SUBDIVISION

SWENSON HAGEN & COMPANY P.C.  
REGISTERED PROFESSIONAL LAND SURVEYORS  
NORTH DAKOTA  
1301 14TH AVE. S.W.  
BISMARCK, ND 58501  
701.781.1111

- 1. MONUMENT TO BE SET
- 2. MONUMENT IN PLACE
- 3. CONTRIBUTION OF CURBS, SIDEWALKS, BUILDINGS
- 4. BUILDINGS MAY REQUIRE A LANDSCAPE INTER



GOVERNMENT LOTS 14, 15 & 16 OF THE SE 1/4 OF SECTION 34 AND PARTS OF LOTS 4, 5, 6 AND 7 OF ROCKSTAD SUBDIVISION OF THE NW 1/4 OF SECTION 35 & PART OF THE SW 1/4 OF SECTION 35, T. 138 N., R. 80 W. AND PART OF GOVERNMENT LOT 1 OF THE NE 1/4 OF SECTION 3, AND PART OF GOVERNMENT LOT 4 OF THE NW 1/4 OF SECTION 2, T. 137 N., R. 80 W.,

[illegible]

**SWENSON, HAGEN & COMPANY P.C.**  
100 Bond Avenue  
Bakersfield, North Dakota 58004  
along@swensonhagen.com  
Phone (701) 233-1200  
Fax (701) 233-1200

**Services**  
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Technology  
Land Leasing  
Oil & Gas  
Landmarks & Title Design  
Construction Management

**SH**  
CO

SWENSON HAGEN & CO  
THIS PROMISER WAS ORIGINALLY  
SEALED BY HARRY HAZEN, F.I.C.,  
ON 18-10-1904. HARRY NO. 2085 ON



# UNIVERSITY OF MARY SUBDIVISION

LOTS 13 AND 14 OF THE SE 1/4  
SECTION 34, T. 138 N., R. 80 W.

PART OF THE SW 1/4

SECTION 35, T. 138 N., R. 80 W.

PART OF LOT 1 OF THE NE 1/4

SECTION 3, T. 137 N., R. 80 W.

LOT 3 AND PART OF LOT 4 AND THE SOUTH 1/2 OF THE NW 1/4  
SECTION 2, T. 137 N., R. 80 W.

**BURLEIGH COUNTY, NORTH DAKOTA**

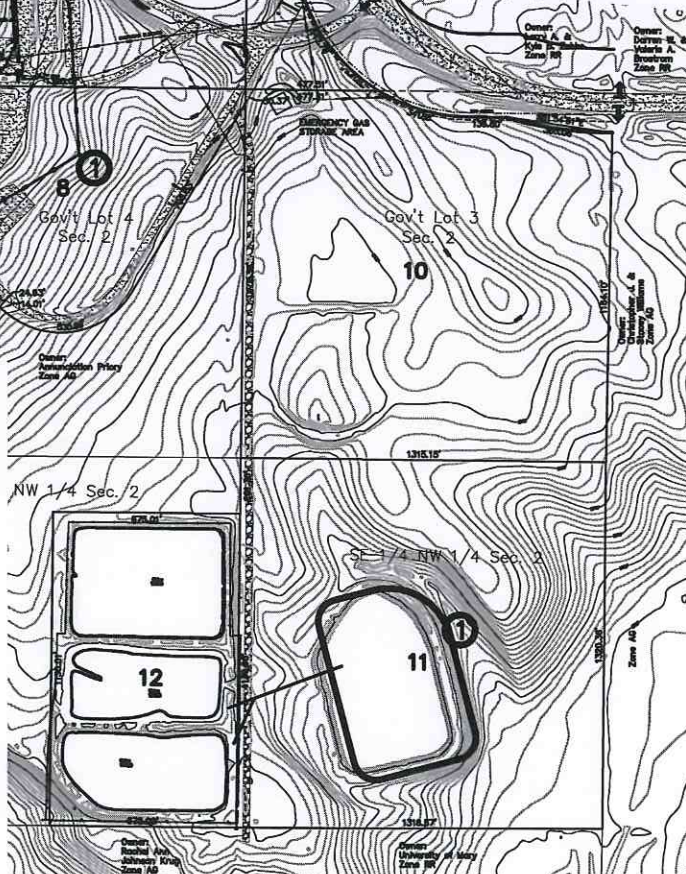
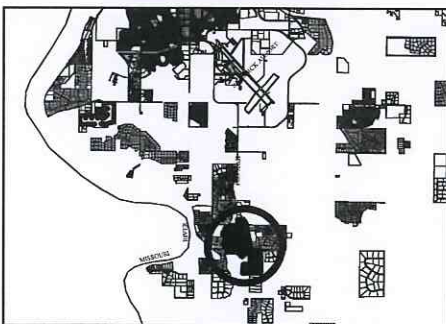
UNIVERSITY OF MARY  
MARK STEPHENS  
7500 UNIVERSITY DRIVE  
BISMARCK, ND 58504  
701-255-7500

308 ACRES  
EXISTING ZONING - RR  
PROPOSED ZONING - RR  
12 LOTS

THE PROPERTY IS LOCATED IN FLOOD  
ZONE X AND FLOOD ZONE AE AS STATED  
ON FLOOD INSURANCE RATE MAP  
COMMUNITY PANEL NO. 38015C0960C  
DATED JULY 19, 2005.

FLOODPLAIN INFORMATION  
FLOODPLAIN ELEV. 1632.1 - NGVD 29  
FLOODPLAIN ELEV. 1633.4 - NAVD 88

## LOCATION MAP



SCALE - 1"=200'  
JANUARY 25, 2013



**SWENSON, HAGEN & COMPANY P.C.**  
Surveying  
Hydrology  
Land Planning  
Civil Engineering  
Landscape & Site Design  
Construction Management  
809 Bain Avenue  
Bismarck, North Dakota 58504  
shc@swensonhagen.com  
Phone (701) 223-2600  
Fax (701) 223-2606



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>	
<b>Title:</b> Willow View Estates Subdivision – Zoning Change (A to RR)	
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> March 28, 2014
<b>Owner(s):</b> Odin Tollefson	<b>Engineer:</b> Houston Engineering
<b>Reason for Request:</b> Plat and rezone property for rural residential development.	
<b>Location:</b> East of Bismarck, along the north side of County Highway 10 and the east side of 80 <sup>th</sup> Street NE (SW¼ of the SW¼ Section 33, T139N-R80W/Gibbs Township).	
<b>Project Size:</b> 39.97 acres	<b>Number of Lots:</b> 16 lots in 3 blocks
<b>EXISTING CONDITIONS:</b>	
<b>Land Use:</b> Agriculture	<b>Land Use:</b> Rural residential
<b>Zoning:</b> A – Agriculture	<b>Zoning:</b> RR – Residential
<b>Uses Allowed:</b> Agriculture	<b>Uses Allowed:</b> Rural residential and limited agriculture
<b>Maximum Density Allowed:</b> One unit per 40 acres	<b>Maximum Density Allowed:</b> One unit per 65,000 square feet
<b>PROPERTY HISTORY:</b>	
<b>Zoned:</b> ---	<b>Platted:</b> ---
<b>FINDINGS:</b>	
<ol style="list-style-type: none"> <li>1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies the future use of this area as rural residential.</li> <li>2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include rural residential to the north, rural residential and partially developed neighborhood commercial property to the west across 80<sup>th</sup> Street NE, rural residential to the south across County Highway 10 and agricultural to the east.</li> <li>3. The subdivision proposed for this property would be served by South Central Regional Water District and would have access to 80<sup>th</sup> Street NE via internal streets; therefore the proposed zoning change would not place an undue burden on public services.</li> <li>4. The proposed zoning change would not adversely affect property in the vicinity.</li> <li>5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.</li> <li>6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.</li> </ol>	

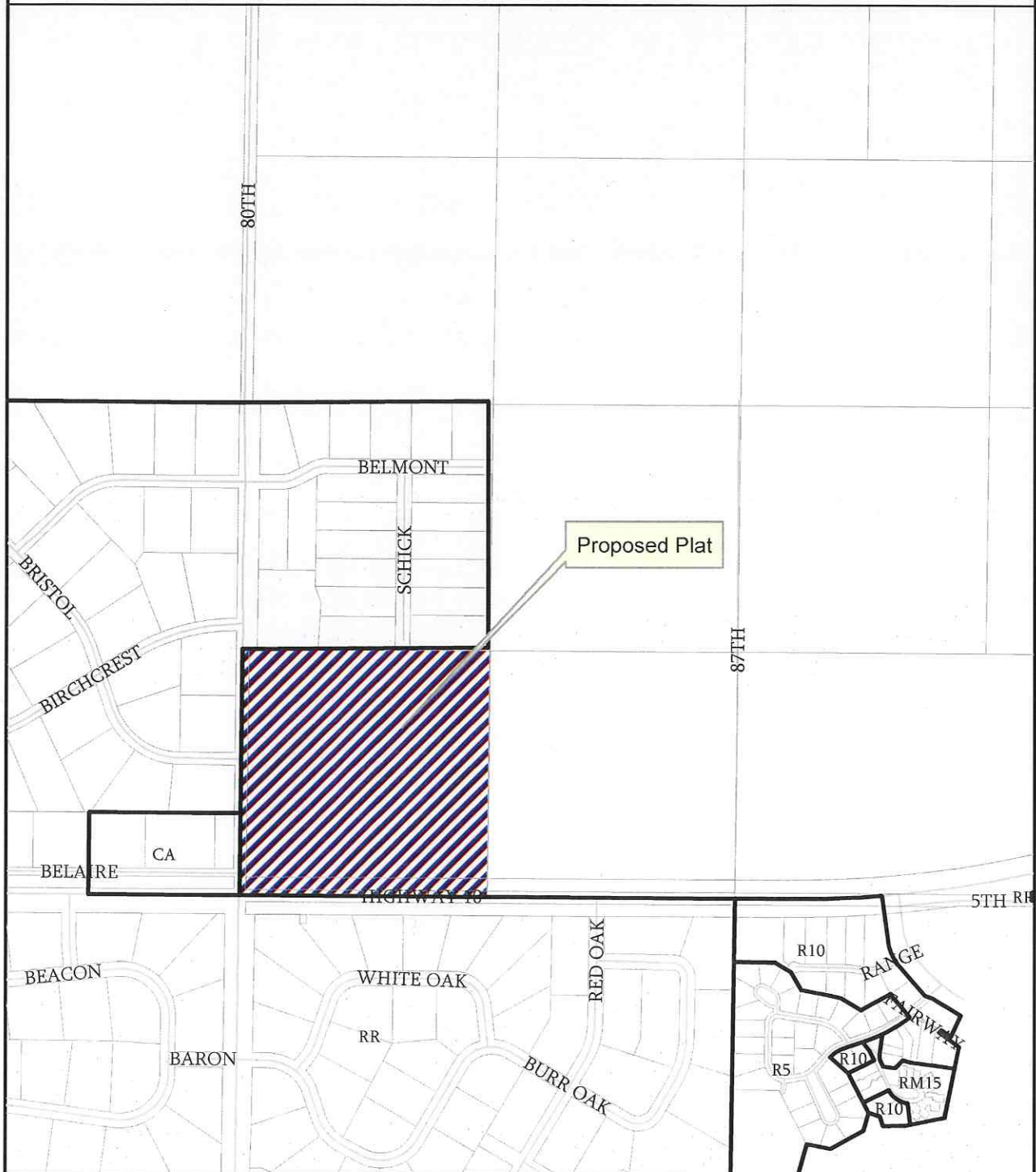
**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the zoning change for Willow View Estates Subdivision from the A-Agriculture zoning district to the RR – Rural Residential zoning district.

*/JW*



# Proposed Plat and Zoning Change (A to RR) Willow View Estates Subdivision



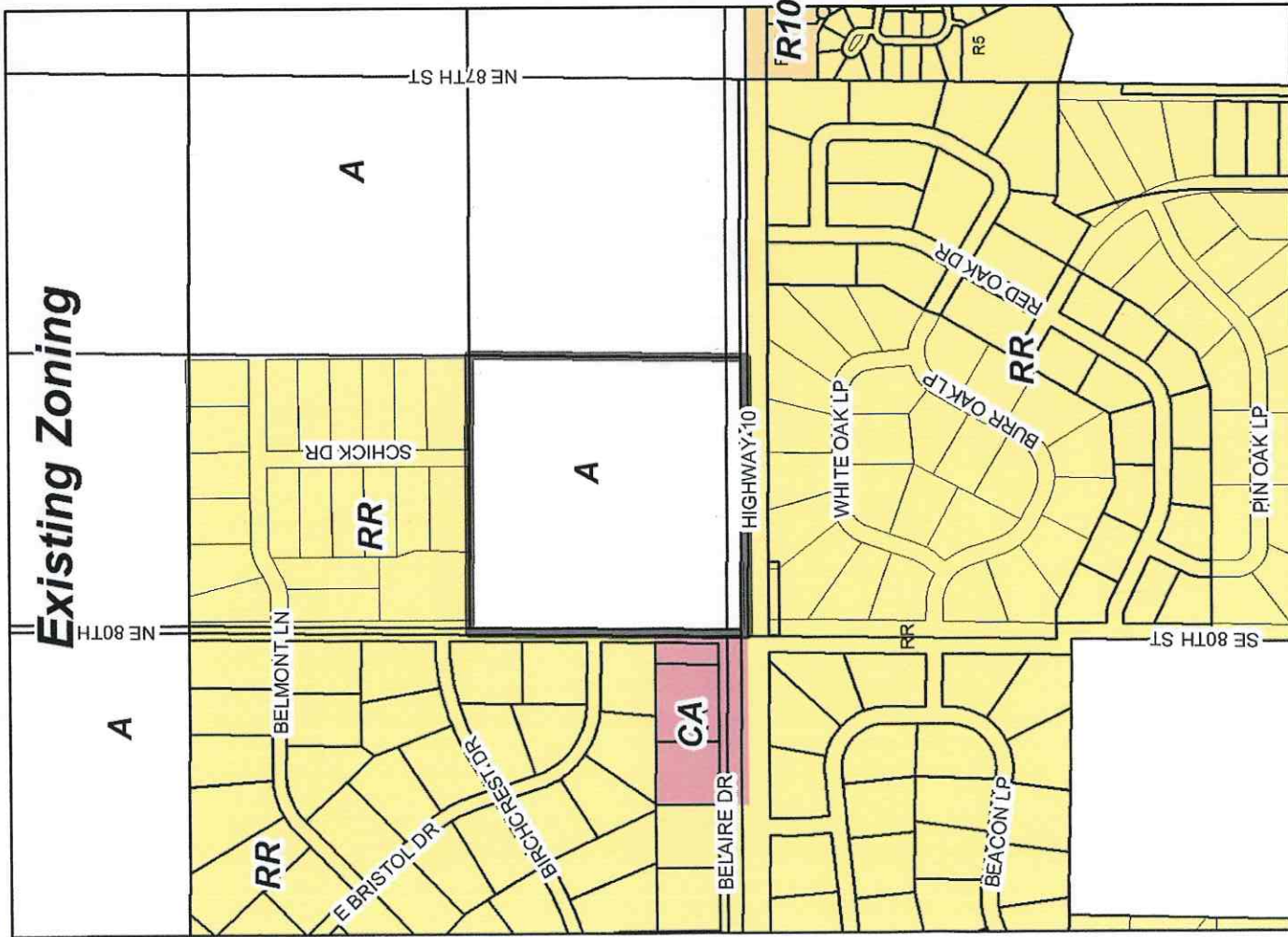
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: February 24, 2014 (hlb)

Source: City of Bismarck

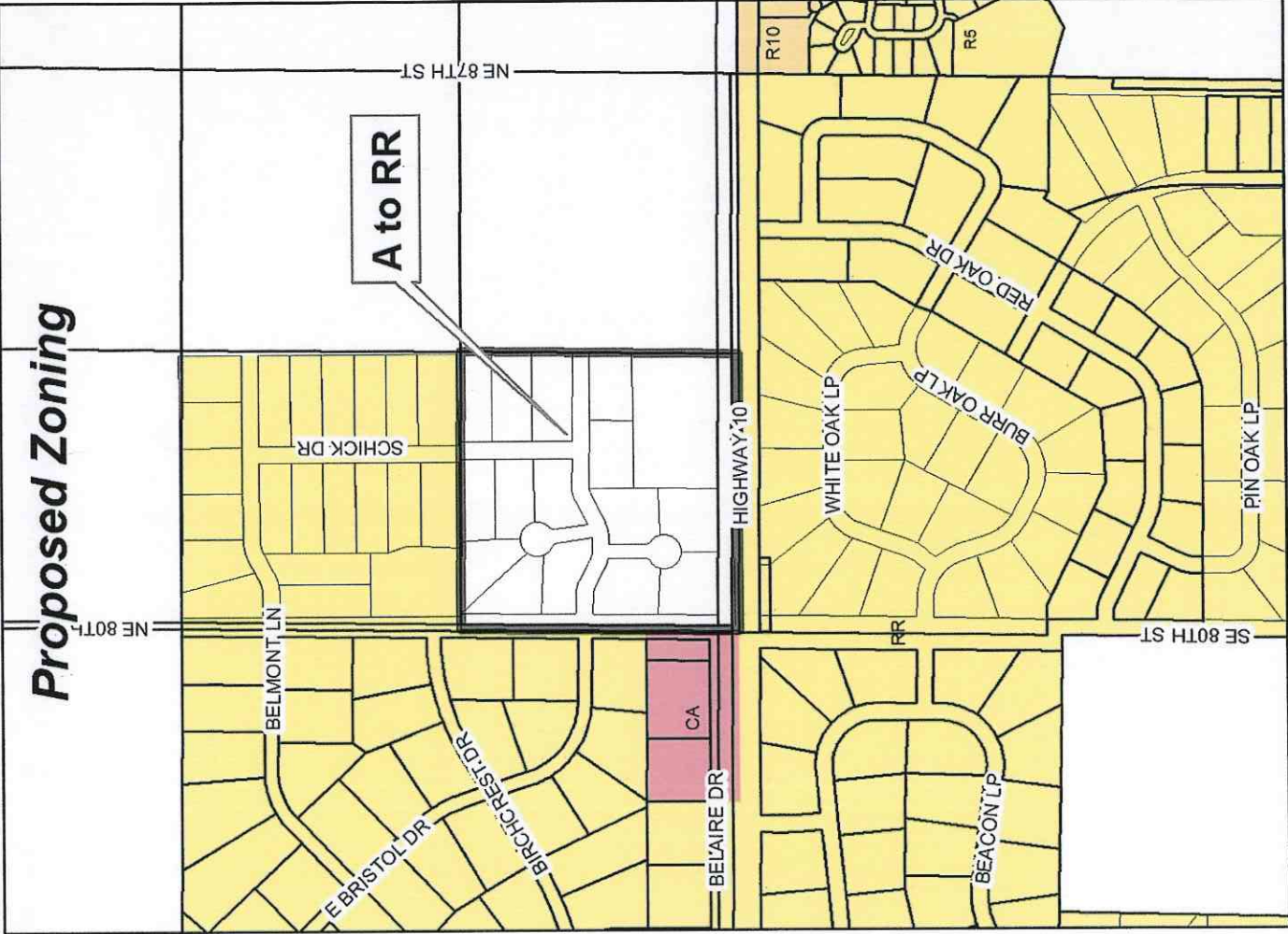
0 700 1,400  
Feet



Existing Zoning



Proposed Zoning





## BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

<b>BACKGROUND:</b>	
<b>Title:</b> Willow View Estates Subdivision – Final Plat	
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> May 28, 2014
<b>Owner(s):</b> Odin Tollefson	<b>Engineer:</b> Houston Engineering
<b>Reason for Request:</b> Plat and rezone property for rural residential development.	
<b>Location:</b> East of Bismarck, along the north side of County Highway 10 and the east side of 80 <sup>th</sup> Street NE (SW¼ of the SW¼ Section 33, 139N-R80W/Gibbs Township).	
<b>Project Size:</b> 39.97 acres	<b>Number of Lots:</b> 16 lots in 3 blocks
<b>EXISTING CONDITIONS:</b>	
<b>Land Use:</b> Agriculture	<b>Land Use:</b> Rural residential
<b>Zoning:</b> A – Agriculture	<b>Zoning:</b> RR – Residential
<b>Uses Allowed:</b> Agriculture	<b>Uses Allowed:</b> Rural residential and limited agriculture
<b>Maximum Density Allowed:</b> One unit per 40 acres	<b>Maximum Density Allowed:</b> One unit per 65,000 square feet
<b>PROPERTY HISTORY:</b>	
<b>Zoned:</b> ---	<b>Platted:</b> ---
<b>ADDITIONAL INFORMATION:</b>	
<ol style="list-style-type: none"> <li>1. The applicant is requesting the use of two cul-de-sacs for this development and has submitted written justification for this request. Section 14-09-05(1)(m) of the City Code of Ordinances (Subdivision Regulations)(Design Standards) states, “the use of cul-de-sac streets shall be limited in order to promote a well-connected street network that provides for safe, direct and convenient access by vehicles, bicycles and pedestrians. Cul-de-sac streets may be permitted in instances where there is no reasonable opportunity to provide for future connections to adjoining streets, including natural barriers such as topography or water features, man-made barriers such as railroad tracks, or to discourage through traffic between incompatible land uses. Written justification for the use of cul-de-sac streets in the proposed subdivision has been submitted and is attached. Based on these criteria, staff has no objection to the use of the two cul-de-sacs in this location.</li> <li>2. Gibbs Township has recommended approval of the proposed subdivision, subject to approval by the Burleigh County Water Resource District.</li> </ol>	
<i>(continued)</i>	



3. Staff has concerns with the storm water easement located on Lot 5, Block 2 of the proposed subdivision. In, particular, the size and location of the easement may prove to be challenging for a property owner to place a single-family dwelling, drainfield and accessory building(s) in the areas outside of the stormwater easement. The applicant's engineer has assured staff that there is sufficient area outside the stormwater easement to construct a single-family dwelling, drainfield and accessory building(s) on the proposed lot. An exhibit showing the possible location of a single-family dwelling, drainfield and accessory building is attached. The applicant's engineer has also committed to working with the Burleigh County Engineer to ensure any driveways or trails on the proposed lot that may cross the stormwater easement would be constructed in a manner that would not adversely affect the functionality of the storm water easement.

#### **FINDINGS:**

1. The preliminary plat was tentatively approved on March 26, 2014.
2. All technical requirements for consideration of a final plat have been met.
3. The stormwater management plan has been approved by the City Engineer, with written concurrence from the Burleigh County Engineer.
4. The proposed subdivision is generally consistent with the Fringe Area Road Master Plan for this area, which identifies both 80<sup>th</sup> Street NE and County Highway 10 as arterial roadways.
5. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include rural residential to the north, rural residential and partially developed neighborhood commercial property to the west across 80<sup>th</sup> Street NE, rural residential to the south across County Highway 10 and agricultural to the east.
6. The subdivision proposed for this property would be served by South Central Regional Water District and would have access to 80<sup>th</sup> Street NE via internal streets; therefore is would not place an undue burden on public services.
7. The proposed subdivision would not adversely affect property in the vicinity.
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

#### **RECOMMENDATION:**

Based on the above findings, staff recommends approval of the final plat for Willow View Estates Subdivision, including the granting of a waiver for the use of two cul-de-sacs.

/JW

## Proposed Plat and Zoning Change (A to RR) Willow View Estates Subdivision



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: February 24, 2014 (hib)

Source: City of Bismarck

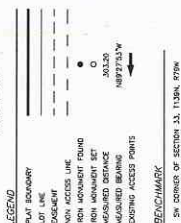
0 700 1,400 Feet







THE SOUTHWEST QUARTER, OF SECTION 33, TOWNSHIP 139 NORTH, RANGE 79 WEST OF THE 5TH PRINCIPAL MERIDIAN IN BURLEIGH COUNTY, NORTH DAKOTA.



**PLAY INFORMATION**

EXISTING ZONING: RURAL, SINGLE FAMILY RESIDENTIAL

LOT ACREAGE: 29.911 ACRES

LOT OF WAY ACREAGE: 10.061 ACRES

TOTAL ACREAGE: 39.972 ACRES

BASES OF BOUNDARIES: NO STATE PLANE SOUTH ZONE NAD83

(3002), AUGUST 1986

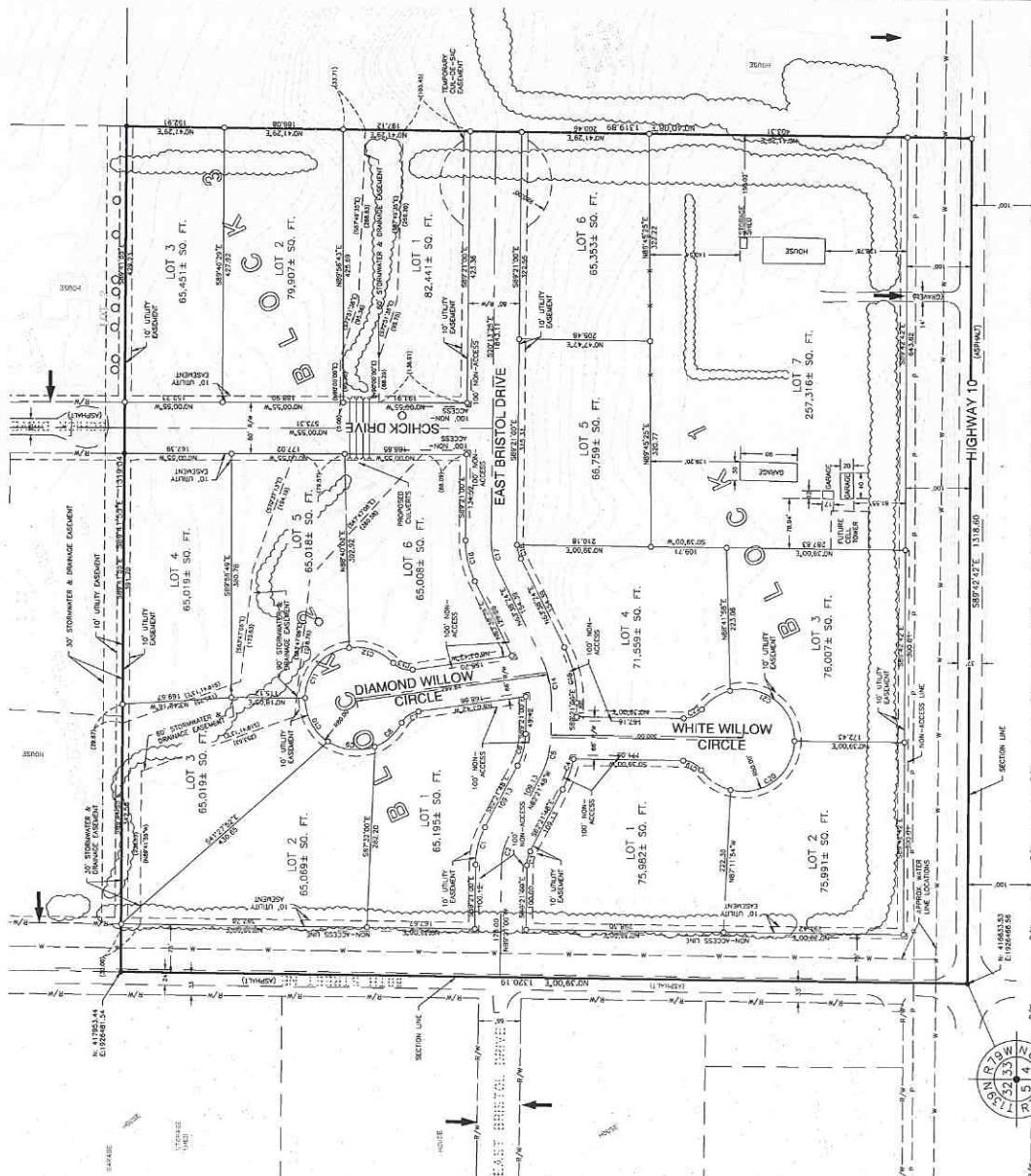
CONTOUR VERTICAL DATUM: NAD 80

TOPOGRAPHIC CONTOURS ARE DERIVED FROM 2005 LIQUID DATA

ACCORDING TO FEMA MAP SERVICE CENTER, THE AREA OF INTEREST IS OUTSIDE THE 100 YEAR FLOODPLAIN

**OWNER**  
GSA & LOGS TELEVISION  
8270 EAST OAK #10  
BIRMINGHAM, MD 45501

**ENGINEER/SURVEYOR**  
HOUSTON ENGINEERING, INC.  
3712 LOCKPORT STREET  
BOCA RATON, NORTH DAKOTA 58501  
PHONE 701.323.0200

[illegible]

NOTE: EXISTING TREES IN NATURAL STORMWATER DRAINAGE TO REMAIN UNLESS REMOVED BY FUTURE OWNER.

ONLY RESTRICTED USE ON STORM WATER DRAINAGE

Houston  
Engineering Inc.  
P: 701.223.0230  
BISMARCK

MAR 20 2014

# Cul-de-sac Justification

## Willow View Estates Subdivision



**To:** City of Bismarck

**From:** Michael H. Gunsch

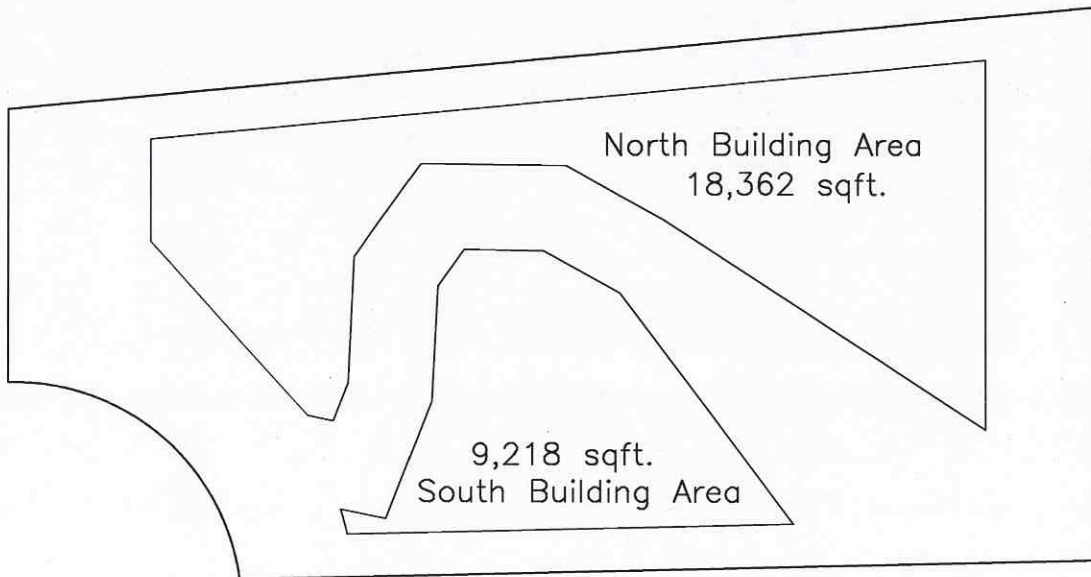
**Date:** 2-20-14

**Subject:** Justification of Cul-de-sacs

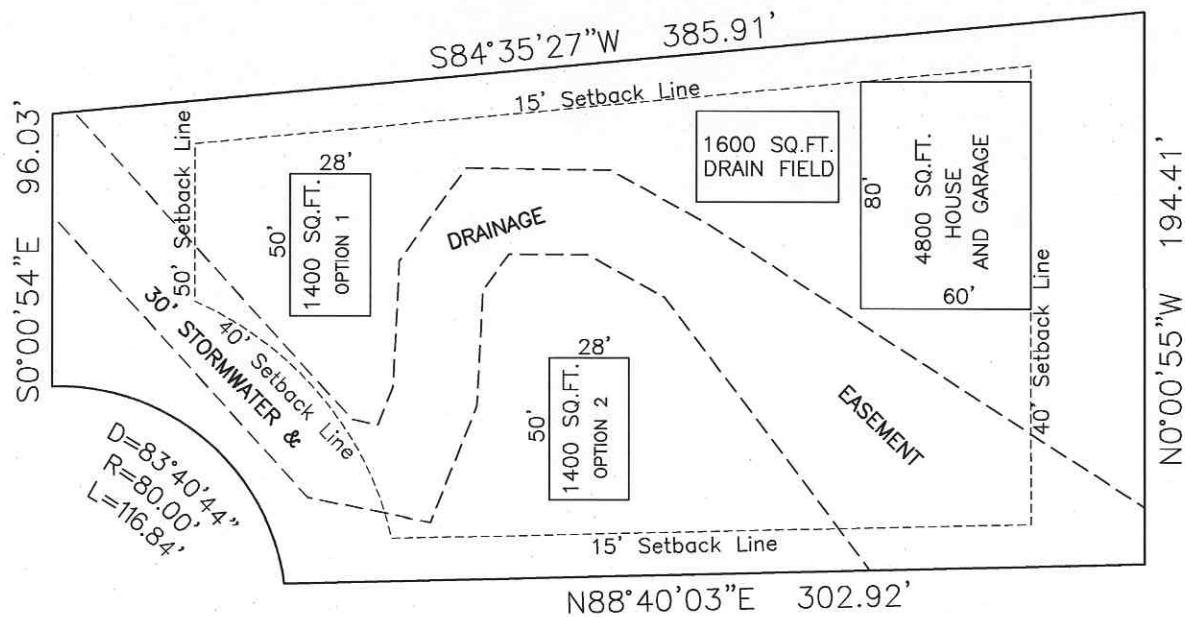
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The use of a cul-de-sac on White Willow Circle is due to the Non-Access line along Highway 10.

The use of a cul-de-sac on Diamond Willow Circle is due to no platted right of way within the Rainbow Acres Subdivision just north of the preliminary plat.



LOT 5  
65,043 SQ.FT.



Storm Easement  
19,498 sqft.

Lot 5 Minus Storm Easement  
45,546 sqft.

NOTE: FINISHED FLOOR OF HOUSE TO BE AT  
ELEVATION 1722.9 (NAVD 88) OR GREATER.

NOT TO SCALE

LOT 5 BLOCK 2  
WILLOW VIEW ESTATES SUBDIVISION  
BURLEIGH COUNTY, ND



Houston  
Engineering Inc.

BISMARCK

P: 701.323.0200  
F: 701.323.0300



MAR 21 2014

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF GIBBS TOWNSHIP,  
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE  
PROPOSED PLAT AND ZONING CHANGE TO RR-RESIDENTIAL FOR WILLOW  
VIEW ESTATES SUBDIVISION AND HEREBY RECOMMEND TO THE BOARD  
OF CITY COMMISSIONERS THAT SAID PLAT BE (APPROVED)(DENIED).  
(PLEASE ATTACH CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

IF THE TOWNSHIP IS RECOMMENDING DENIAL, PLEASE LIST THE REASONS:

Approved pending approval by water resource district.

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John Hawk  
CHAIRMAN, TOWNSHIP BOARD

Myrna L. Hawk  
ATTEST, TOWNSHIP CLERK

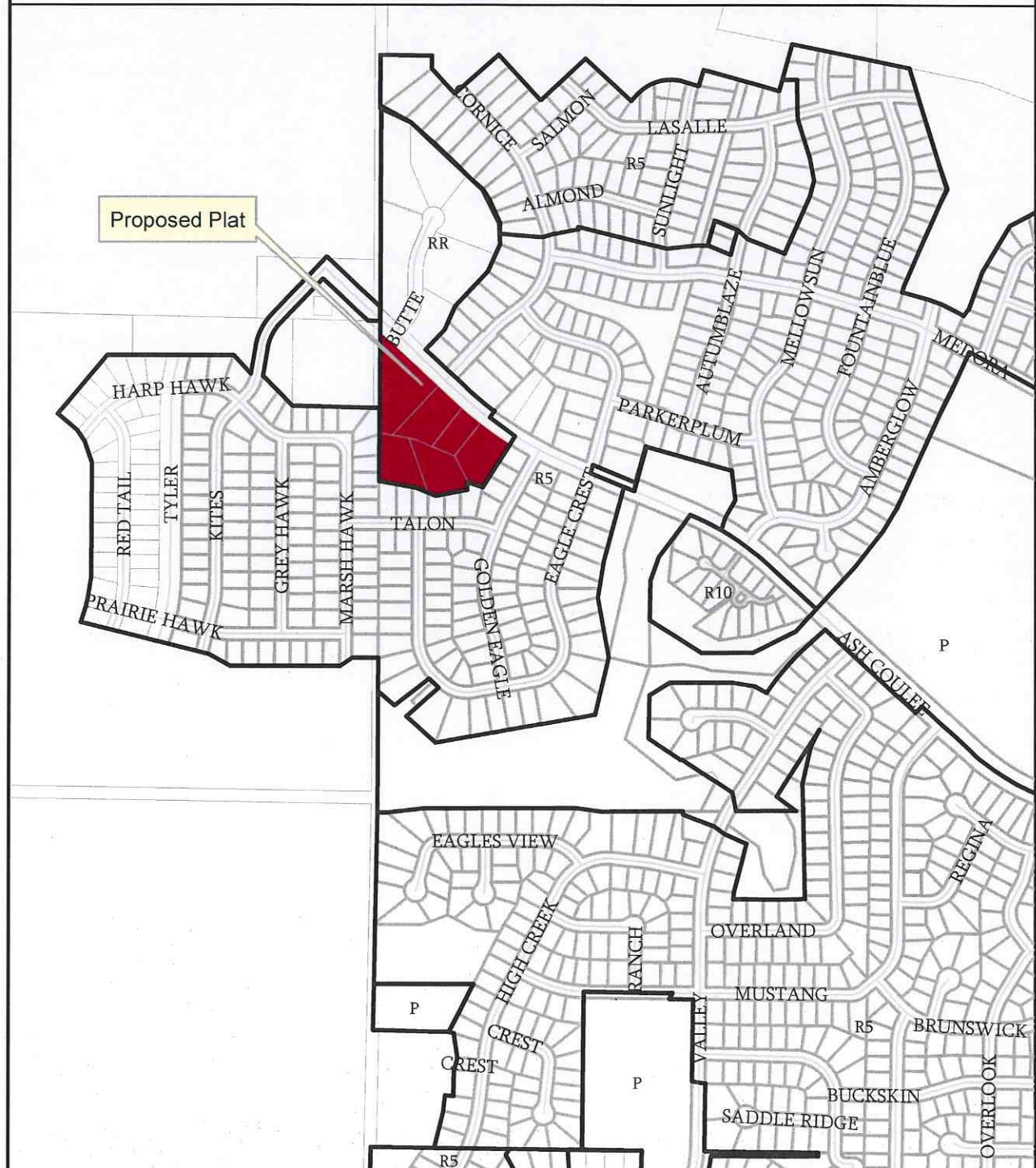
## BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

<b>BACKGROUND:</b>		
<b>Title:</b> Ash Coulee 2 <sup>nd</sup> Addition – Zoning Change (RR to R5)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> May 28, 2014	
<b>Owner(s):</b> Darrel & Joan Scofield Leona Kohler	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Replat and rezone property to allow development as urban residential.		
<b>Location:</b> Along the south side of Ash Coulee Drive approximately ½ mile west of Valley Drive (a replat of all of Lots 1 and 2, Lots A and B of Lot 3, Lots C and D of Lot 6, and Lot A of Lot 7, Block 6, Western Hills).		
<b>Project Size:</b> 9.03 acres	<b>Number of Lots:</b> 18 lots in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Rural residential and undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> RR – Residential	<b>Land Use:</b> Urban single-family residential	
<b>Uses Allowed:</b> RR – Rural residential	<b>Zoning:</b> R5 – Residential	
<b>Maximum Density Allowed:</b> RR – One unit/65,000sf	<b>Uses Allowed:</b> R5 – Single-family urban residential	
	<b>Maximum Density Allowed:</b> R5 – 5 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 05/1985	<b>Platted:</b> 05/1985	<b>Annexed:</b> N/A
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies the future use of this area as low density residential.</li> <li>2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a combination of rural residential to the northwest, low density urban residential to the northeast, east and south, and agricultural to the west.</li> <li>3. The property will be annexed prior to further development; therefore, the zoning change would not place an undue burden on public services and facilities.</li> <li>4. The proposed zoning change would not adversely affect property in the vicinity.</li> <li>5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.</li> <li>6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.</li> </ol>		
<b>RECOMMENDATION:</b>		
Based on the above findings, staff recommends approval of the zoning change from the RR – Residential zoning district to the R5 – Residential zoning district for Ash Coulee 2 <sup>nd</sup> Addition.		

/Klee

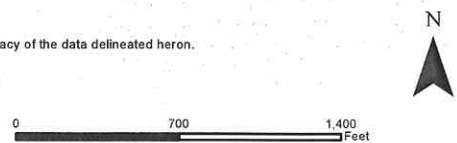


# Proposed Minor Plat & Zoning Change (RR to R5) Ash Coulee Second Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.  
Date: 5/20/2014(hlb)

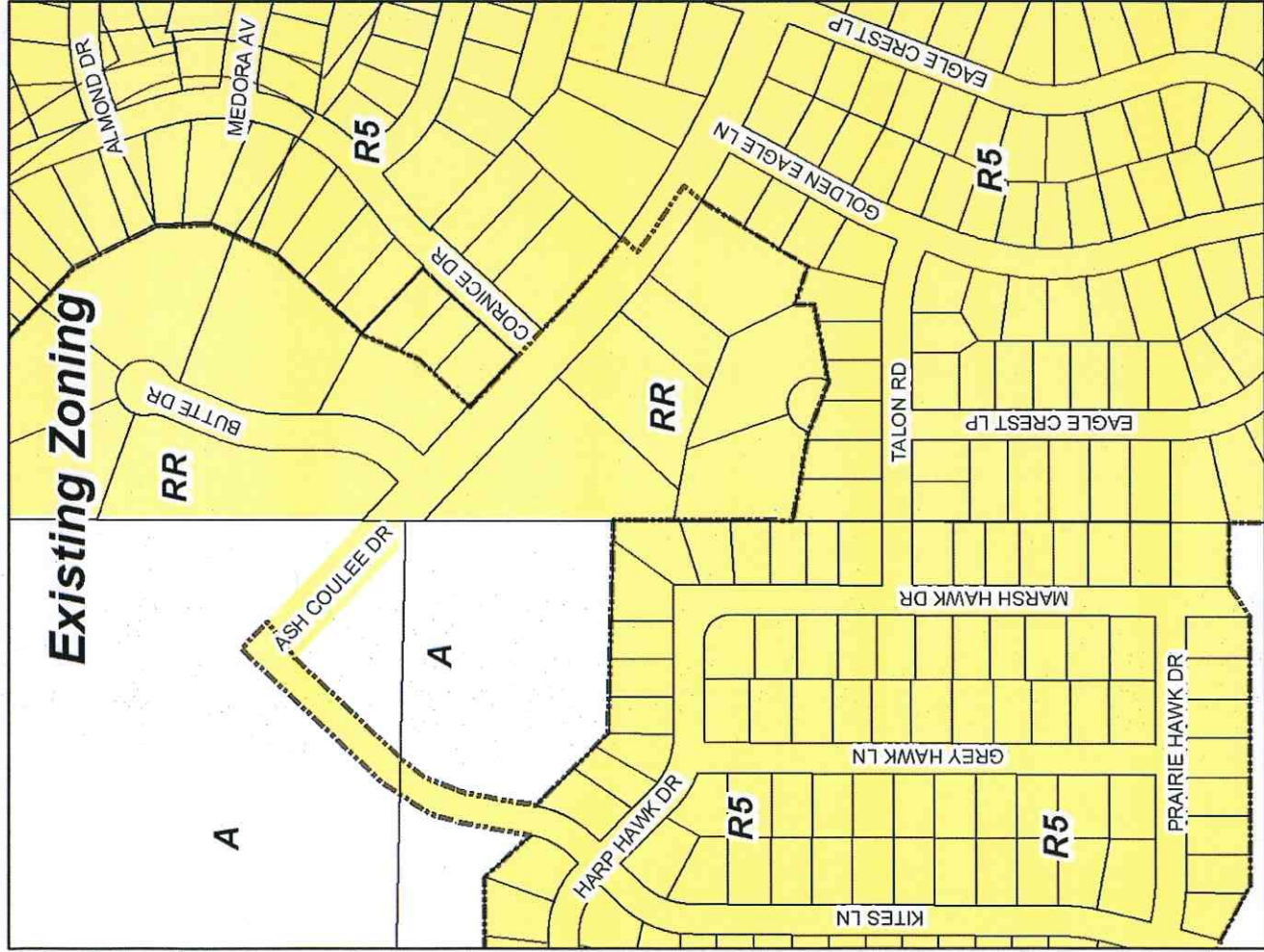
Source: City of Bismarck



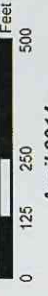
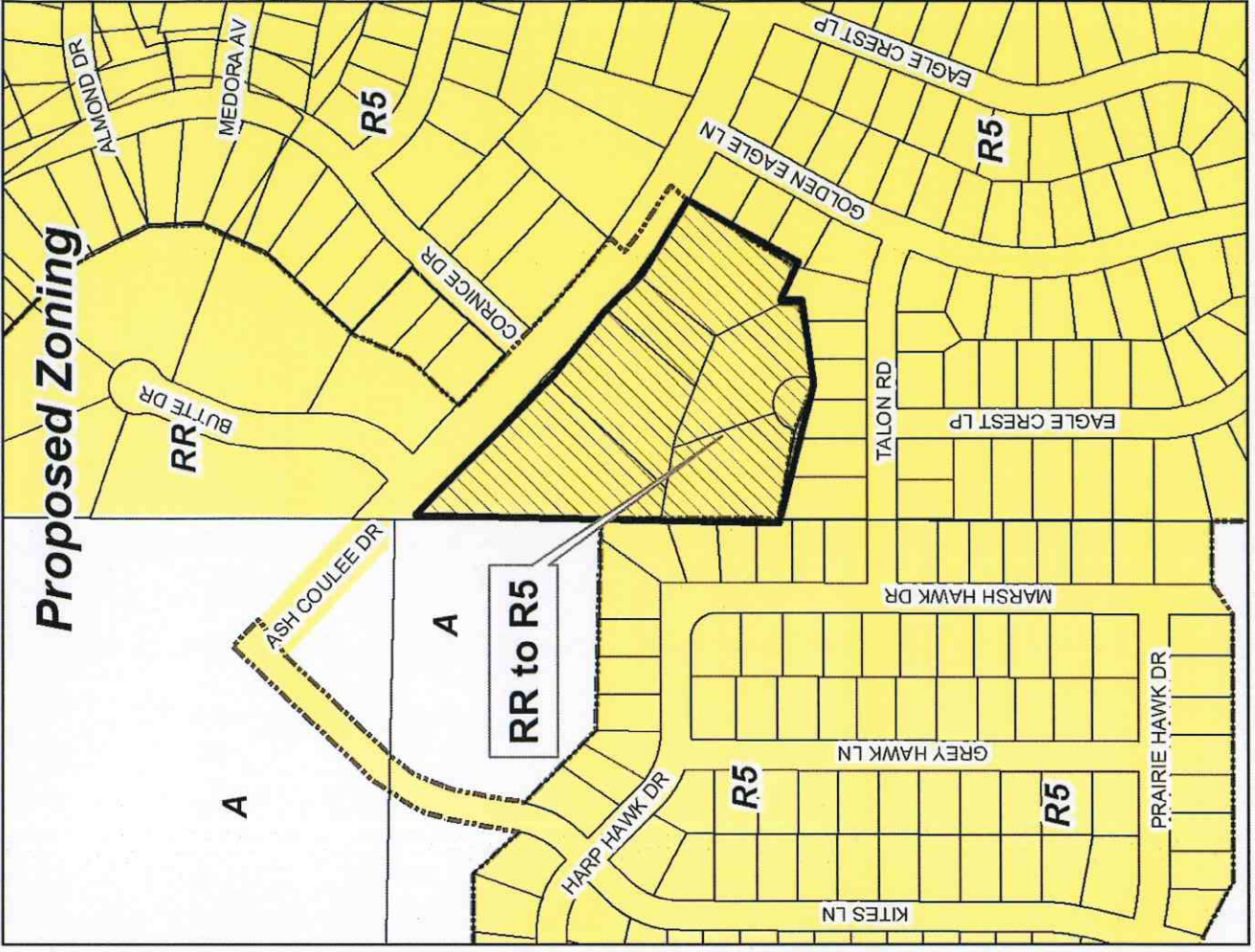


# Ash Coulee 2nd Addition - Zoning Change

## Existing Zoning



## Proposed Zoning



April 2014

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



## BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

<b>BACKGROUND:</b>		
<b>Title:</b> Ash Coulee 2 <sup>nd</sup> Addition – Minor Subdivision Final Plat		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> May 28, 2014	
<b>Owner(s):</b> Darrel & Joan Scofield Leona Kohler	<b>Engineer:</b> Swenson, Hagen & Co.	
<b>Reason for Request:</b> Replat and rezone property to allow development as urban residential.		
<b>Location:</b> Along the south side of Ash Coulee Drive approximately ½ mile west of Valley Drive (a replat of all of Lots 1 and 2, Lots A and B of Lot 3, Lots C and D of Lot 6, and Lot A of Lot 7, Block 6, Western Hills).		
<b>Project Size:</b> 9.03 acres	<b>Number of Lots:</b> 18 lots in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Rural residential and undeveloped	<b>PROPOSED CONDITIONS:</b>	
<b>Zoning:</b> RR – Residential	<b>Land Use:</b> Urban single-family residential	
<b>Uses Allowed:</b> RR – Rural residential	<b>Zoning:</b> R5 – Residential	
<b>Uses Allowed:</b> R5 – Single-family urban residential	<b>Maximum Density Allowed:</b> RR – One unit/65,000sf	
<b>Maximum Density Allowed:</b> RR – One unit/65,000sf	<b>Maximum Density Allowed:</b> R5 – 5 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 05/1985	<b>Platted:</b> 05/1985	<b>Annexed:</b> N/A
<b>FINDINGS:</b>		
<ol style="list-style-type: none"> <li>1. All technical requirements for approval of the minor subdivision final plat have been met.</li> <li>2. The storm water management plan has been approved by the City Engineer.</li> <li>3. The proposed subdivision does not impact the Fringe Area Road Master Plan or the Northwest Subarea Study, both of which identify Ash Coulee Drive in this area as an arterial.</li> <li>4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include a combination of rural residential to the northwest, low density urban residential to the northeast, east and south, and agricultural to the west.</li> <li>5. The proposed subdivision would be annexed prior to development; therefore, it would not place an undue burden on public services and facilities.</li> <li>6. The proposed subdivision would not adversely affect property in the vicinity.</li> <li>7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.</li> </ol>		
<i>(continued)</i>		

8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

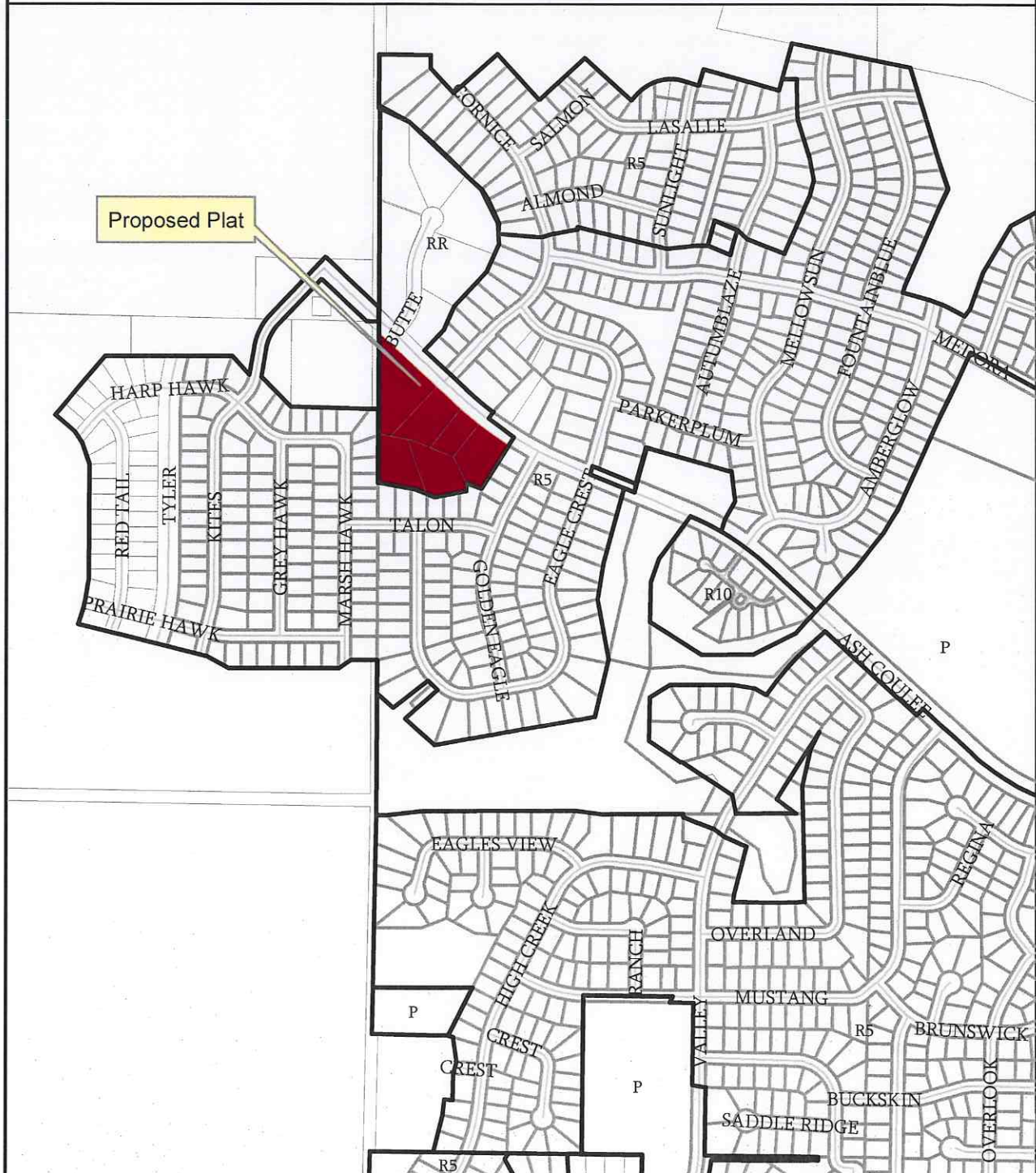
Based on the above findings, staff recommends approval of the minor subdivision final plat for Ash Coulee 2<sup>nd</sup> Addition, with the understanding that the lots are not buildable until the property is annexed and municipal services provided.

Staff further recommends that Lots 1-3 be combined as one tax parcel to accommodate the existing single family rural residence, with the understanding that it will not be split until all three lots are annexed and municipal services provided. In addition, since this is an existing rural residence, annexation will not be required at this time; however, at some time in the future when additional development occurs to the west and this property is surrounded by the City of Bismarck, the City may initiate annexation of this parcel.

*/Klee*

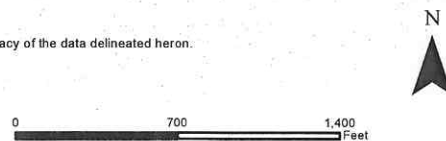


# Proposed Minor Plat & Zoning Change (RR to R5) Ash Coulee Second Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.  
Date: 5/14/2014(hlb)

Source: City of Bismarck



# ASH COULEE SECOND ADDITION

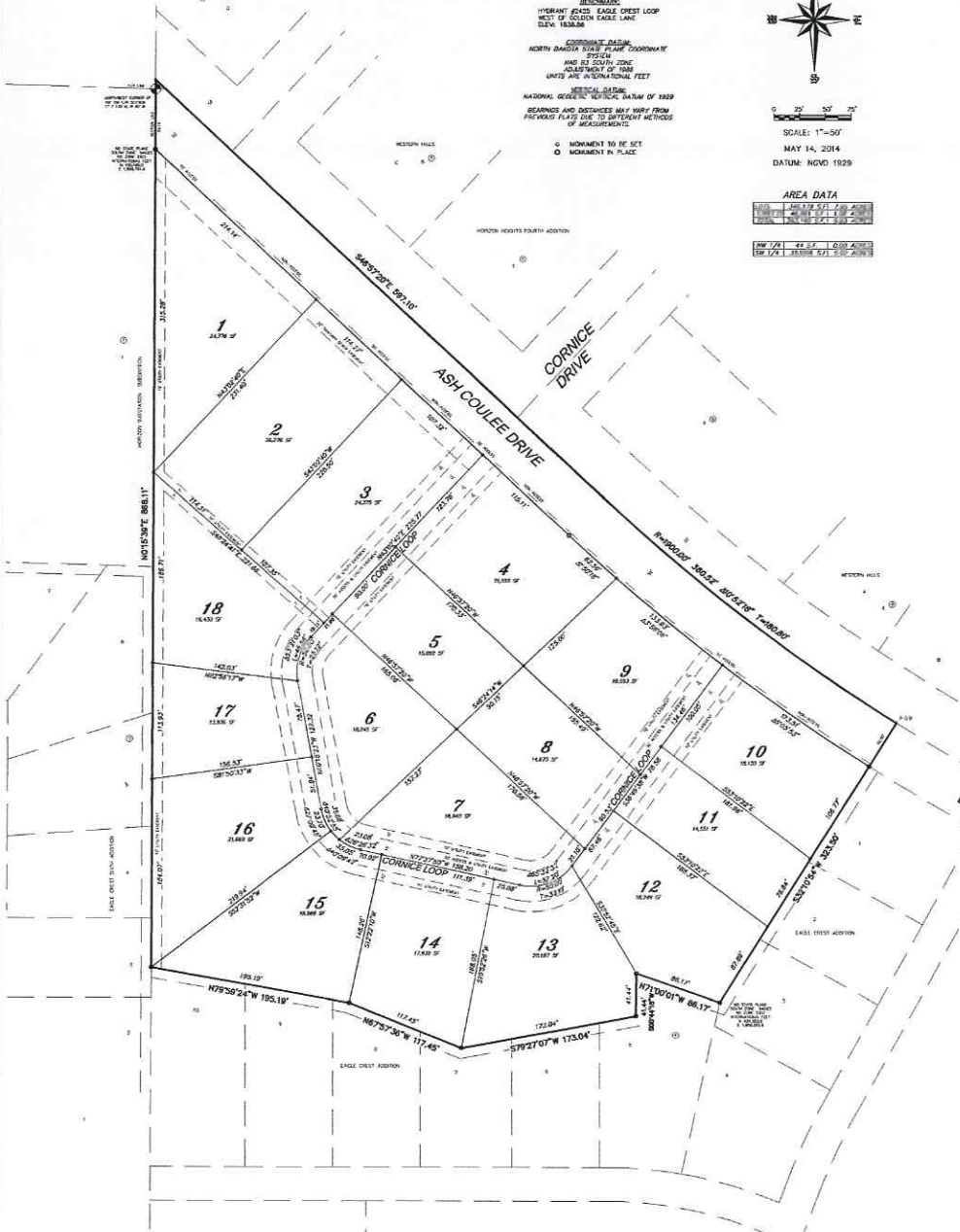
BEING A REPLAT OF ALL OF LOTS 1 AND 2 AND ALL OF LOTS A AND B OF LOT 3 AND ALL OF LOTS C AND D OF LOT 6 AND PART OF LOT 6 AND ALL OF LOT A OF LOT 7 AND PART OF LOT 7 OF BLOCK 6 AND PART OF ASH COULEE DRIVE OF WESTERN HILLS PART OF THE SOUTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 OF SECTION 17, T. 139 N., R. 80 W.,  
**BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA**

## NOTES

BASE OF MAP:  
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY  
CITY OF BISMARCK  
BENCHMARK:  
HYBRANT #2435 EAGLE CREST LOOP  
WEST OF GOLDEN EAGLE LAKE  
ELEV. 1638.86  
COORDINATE DATA:  
NORTH DAKOTA STATE PLANE COORDINATE  
SYSTEM  
NAD 83 SOUTH ZONE  
EASTING OF 1000  
UNITS ARE IN METRIC FEET  
METRIC DATA:  
NATIONAL GEODESIC SERVICE DATUM OF 1983  
BEARINGS AND DISTANCES MAY VARY FROM  
PREVIOUS PLATS DUE TO DIFFERENT METHODS  
OF MEASUREMENT  
O MONUMENT TO BE SET  
O MONUMENT IN PLACE



AREA DATA	
1/4 SECTION 17, T. 139 N., R. 80 W.	1/4 SECTION 17, T. 139 N., R. 80 W.
1/4 SECTION 17, T. 139 N., R. 80 W.	1/4 SECTION 17, T. 139 N., R. 80 W.
1/4 SECTION 17, T. 139 N., R. 80 W.	1/4 SECTION 17, T. 139 N., R. 80 W.



## DESCRIPTION

BEING A REPLAT OF ALL OF LOTS 1 AND 2 AND ALL OF LOTS A AND B OF LOT 3 AND ALL OF LOTS C AND D OF LOT 6 AND PART OF LOT 6 AND PART OF LOT A OF LOT 7 AND PART OF LOT 7 OF BLOCK 6 AND PART OF ASH COULEE DRIVE OF WESTERN HILLS PART OF THE SOUTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 OF SECTION 17, T. 139 N., R. 80 W., BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER EAGLE CREST ADDITION; THENCE SOUTH 32 DEGREES 55 MINUTES 24 SECONDS WEST, ALONG THE BOUNDARY LINE OF SAID EAGLE CREST ADDITION, A DISTANCE OF 333.00 FEET; THENCE NORTH 71 DEGREES 50 MINUTES 20 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 84.17 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 30 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 41.44 FEET; THENCE SOUTH 79 DEGREES 27 MINUTES 07 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 172.04 FEET; THENCE NORTH 11 DEGREES 15 MINUTES 24 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 117.45 FEET; THENCE NORTH 78 DEGREES 55 MINUTES 24 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 100.00 FEET; TO THE EAST LINE OF EAGLE CREST ADDITION; THENCE NORTH 00 DEGREES 10 MINUTES 30 SECONDS EAST, ALONG SAID EAST LINE OF EAGLE CREST ADDITION, A DISTANCE OF 100.00 FEET; TO THE EAST LINE OF THE EAST LINE OF WESTERN HILLS ADDITION; THENCE SOUTH 89 DEGREES 44 MINUTES 30 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 333.00 FEET; THENCE SOUTH 32 DEGREES 55 MINUTES 24 SECONDS WEST, ALONG SAID BOUNDARY LINE, A DISTANCE OF 333.00 FEET; TO THE POINT OF BEGINNING.  
THE ABOVE TRACT CONTAINS 9.03 ACRES, MORE OR LESS.

## SURVEYOR'S CERTIFICATE

I, MATTHEW M. STERN, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ABOVE PLAT IS A TRUE COPY OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON MAY 14, 2014. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONS AND GEOMETRIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA } SWENSON, HAGEN & COMPANY, P.C.  
COUNTY OF BURLEIGH } 1433 ASH COULEE DRIVE  
BISMARCK, NORTH DAKOTA  
MATTHEW M. STERN  
PROFESSIONAL LAND SURVEYOR  
N.D. REGISTRATION NO. 55994

ON THIS DAY OF MAY, 2014, BEFORE ME PERSONALLY APPEARED MATTHEW M. STERN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC  
BURLEIGH COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES AUGUST 24, 2016

## APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE DAY OF MAY, 2014, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, AND SO SOLEMNLY SWORE AS SHOWN HEREON INCLUDING ALL SEVER, COLLECTIVE, INDIVIDUAL AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

WAYNE LEE YEAGER - CHAIRMAN CARL D. HORNSTAD - SECRETARY

## APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUND AS SHOWN ON THE ANNEXED PLAT AS AN ADDITION TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.  
THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE DAY OF MAY, 2014.

ATTEST  
R. C. WOODEN - CITY ADMINISTRATOR

## APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "ASH COULEE SECOND ADDITION", BISMARCK, NORTH DAKOTA, AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER  
CITY ENGINEER

## OWNER'S CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT CARROLL & JUAN KOHLER BEING THE OWNERS AND PROPRIETORS OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "ASH COULEE SECOND ADDITION", BISMARCK, NORTH DAKOTA, AND SO SOLEMNLY SWORE AS SHOWN HEREON INCLUDING ALL SEVER, COLLECTIVE, INDIVIDUAL AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER, A STORM WATER EASEMENTS.

THEY FURTHERMORE DEDICATE UNTO THE CITY OF BISMARCK "STORM WATER AND DRAINAGE EASEMENTS" TO RUN WITH THE LAND FOR THE PURPOSE OF STORM SEWER AND SURFACE WATER DRAINAGE UNDER, OVER, THROUGH AND/OR ACROSS THEIR AREAS SUBSIDIARIES HEREON AND STORM WATER AND DRAINAGE EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER SEWER AND DRAINAGE SYSTEMS, INCLUDING THE CONSTRUCTION, RECONSTRUCTION, REPAIR, ENLARGING AND MAINTAINING STORM WATER SEWER AND SURFACE WATER DRAINAGE AND MANAGEMENT OF SAID STORM WATER IN A MANNER THAT WILL PERMIT THE FREE AND UNOBSTRUCTED FLOW OF WATER UNDER, OVER AND/OR ACROSS THE EASEMENT AREA.

THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNED PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT AT ALL TIMES HEREAFTER FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPASS ACROSS SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND ASSIGNS AND APPURTENANT TO THE LAND OF SAID PARTIES. IT ALSO INDICATES SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL, SUBGOVERNMENT, ITS OFFICIALS AND EMPLOYEES OR UTILITIES AND ANY OTHER GOVERNMENTAL USE OR USES IF CLAIMED NECESSARY OR AVAILABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE OBSTRUCTED BY THE OWNERS OF PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA } CARROLL KOHLER  
COUNTY OF BURLEIGH } 1433 ASH COULEE DRIVE  
BISMARCK, NORTH DAKOTA  
JUAN KOHLER  
1433 ASH COULEE DRIVE  
BISMARCK, NORTH DAKOTA

ON THIS DAY OF MAY, 2014, BEFORE ME PERSONALLY APPEARED CARROLL & JUAN KOHLER, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND THEY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC  
BURLEIGH COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES AUGUST 24, 2016

LEONA KOHLER  
1015 18TH AVENUE SW  
MINOT, ND 58701

ON THIS DAY OF MAY, 2014, BEFORE ME PERSONALLY APPEARED LEONA KOHLER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC  
BURLEIGH COUNTY, NORTH DAKOTA  
MY COMMISSION EXPIRES AUGUST 24, 2016







**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Munich Addition – Minor Subdivision Final Plat		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> May 28, 2014	
<b>Owner(s):</b> The First State Bank of Munich	<b>Engineer:</b> Lowry Engineering	
<b>Reason for Request:</b> Replat property to create additional lots for development.		
<b>Location:</b> In west Bismarck, along the south side of West Divide Avenue (a replat of Lot 3, Block 1, Horizon View Addition and Lot 3, less lot A, Block 1, Prairie Hills Fifth Addition).		
<b>Project Size:</b> 5.43 acres	<b>Number of Lots:</b> 3 lots in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Partially developed commercial uses including a financial institution	<b>Land Use:</b> Commercial uses including a financial institution	
<b>Zoning:</b> CG – Commercial	<b>Zoning:</b> CG – Commercial	
<b>Uses Allowed:</b> CG – Multi-family residential, general commercial, offices and financial institutions	<b>Uses Allowed:</b> CG – Multi-family residential, general commercial, offices and financial institutions	
<b>Maximum Density Allowed:</b> CG – 42 units/acre	<b>Maximum Density Allowed:</b> CG – 42 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980 (Prairie Hills) 11/2002 (Horizon View)	<b>Platted:</b> Pre-1980 (Prairie Hills 5 <sup>th</sup> ) 11/2002 (Horizon View)	<b>Annexed:</b> Pre-1980
<b>ADDITIONAL INFORMATION:</b>		
<ol style="list-style-type: none"> <li>1. A two-story office and financial institution is being constructed on Lot 1, Block 1 of the proposed subdivision. During the site plan review process for the building, a storm water management plan was approved for the area included in the proposed subdivision. The applicant requested and was granted a waiver from the storm water management plan for the proposed subdivision.</li> <li>2. One of the underlying lots (Lot 3, Block 1, Prairie Hills 5<sup>th</sup> Addition) was platted with a plat note limiting the lot to two to access points onto West Divide Avenue at City approved locations. The existing access point located between Lots 1 and 2 of the proposed subdivision was approved via site plan approval in October 2013. Per the City Traffic Engineer's request, a note was added to the proposed plat requiring that the location of the remaining access point located on Lot 2 of the proposed subdivision will be approved during site plan approval process for this lot and that a traffic impact study may be required prior to approval of the location of said access point.</li> </ol>		



**FINDINGS:**

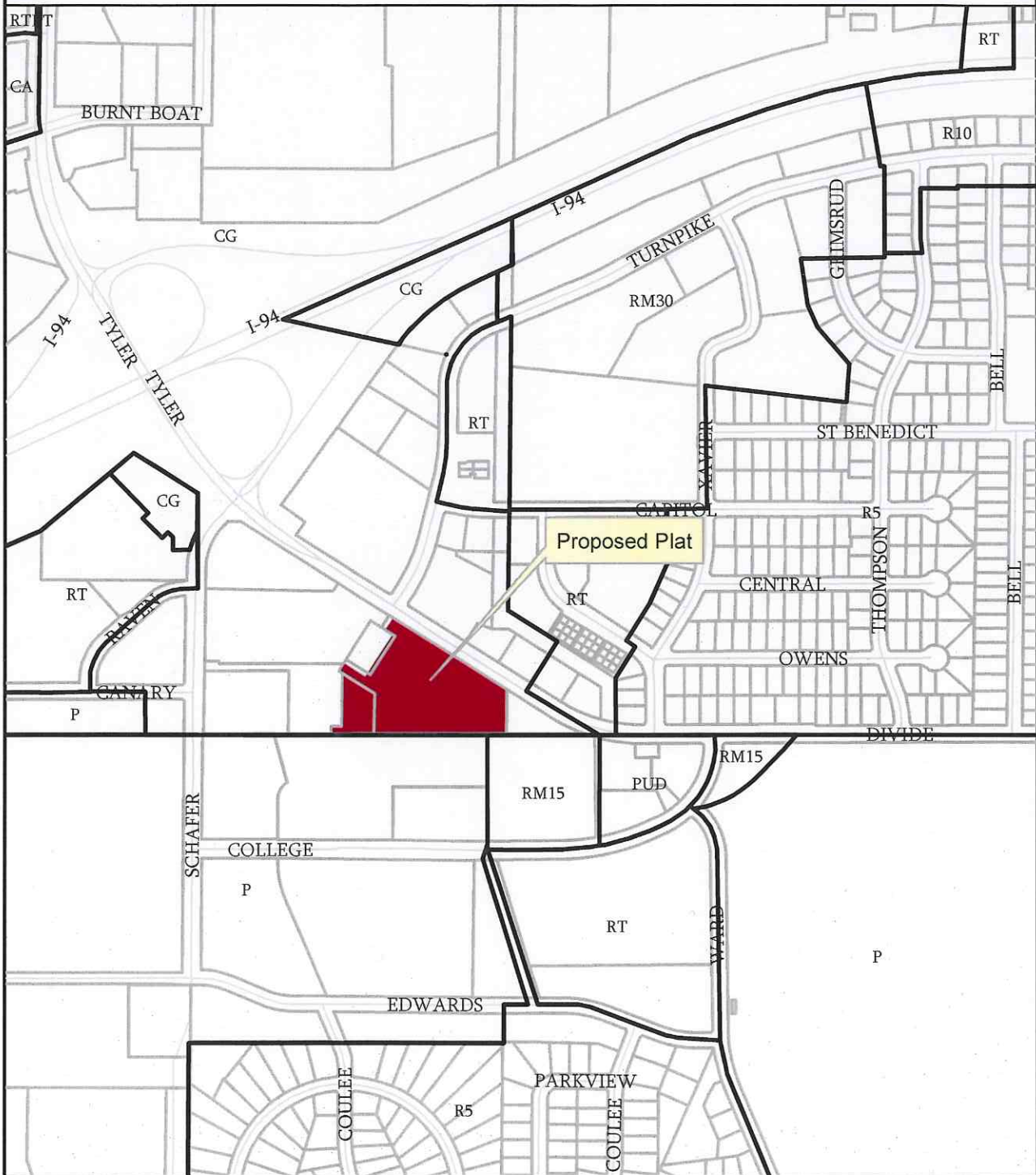
1. All technical requirements for approval of a minor subdivision final plat have been met.
2. A waiver from the storm water management plan has been granted by the City Engineer.
3. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services and facilities.
4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include existing commercial uses to the north and west, a vacant commercial lot to the east, and Bismarck State College campus and residential multi-family uses to the south.
5. The proposed subdivision would not adversely affect property in the vicinity.
6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

**RECOMMENDATION:**

Based on the above findings, staff recommends approval of the minor subdivision final plat for Munich Addition.

/JW

# Proposed Plat Munich First Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Date: 4/10/2014(hlb)

Source: City of Bismarck



0 550 1,100 Feet





**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

<b>BACKGROUND:</b>		
<b>Title:</b> Lots 1 & 2, Block 1, Pinehurst 7 <sup>th</sup> Addition Replat– PUD Amendment		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> May 28, 2014	
<b>Owner(s):</b> Touchmark on West Century, LLC (owner) Touchmark Development (applicant)	<b>Consultant:</b> LRS Architects	
<b>Reason for Request:</b> To amend the Planned Unit Development (PUD) zoning district to allow a 2-story building addition with 16 additional units in the memory care facility; and the construction of a new 4-story, 62-unit apartment building; three additional duplex residential cottages; and a maintenance building. The overall dwelling unit count would increase from the current maximum of 250 units to 346 units over the entire facility. The increase in the number of dwelling units would raise the density from 13.94 units per acre to 19.29 units per acre.		
<b>Location:</b> In west Bismarck along the west side of West Century Avenue and the north side of West Interstate Avenue (1000 West Century Avenue).		
<b>Project Size:</b> 17.93 acres +/-	<b>Number of Lots:</b> 2 lots in 1 block	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> 250 dwelling unit congregate/assisted living facility	<b>PROPOSED CONDITIONS:</b>	
<b>Land Use:</b> 250 dwelling unit congregate/assisted living facility	<b>Land Use:</b> 346 dwelling unit congregate/assisted living facility	
<b>Zoning:</b> PUD – Planned Unit Development	<b>Zoning:</b> PUD – Planned Unit Development	
<b>Uses Allowed:</b> Congregate care building, duplex residential cottages and assisted living units	<b>Uses Allowed:</b> Uses specified in PUD, as amended	
<b>Maximum Density Allowed:</b> Specified in PUD (13.94 units/acre overall)	<b>Maximum Density Allowed:</b> Specified in PUD, as amended (19.52 units/acre overall)	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> 05/1998 (PUD) 01/2007 (PUD Amendment)	<b>Platted:</b> 11/2002 (replat)	<b>Annexed:</b> 05/1993
<b>FINDINGS:</b>		
1. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached.		

(continued)

2. The original PUD was approved in May 1998 and included a total of 250 units on 17.93 acres (13.94 units per acre overall density) within a continuum of care development concept. Permits have since been issued for 156 units in the first two phases of development on Lot 1 (140 congregate/assisted units in the main building and 16 units in two and three-unit cottages along Century Avenue). The original plan called for another 96 units to be constructed on Lot 2 (76 congregate/assisted units and 20 units in cottages).
3. In January 2007, the PUD was amended to allow the development of three 30-unit apartment buildings for seniors. The 30-unit apartment buildings are noted on the attached site plan as a future phase that is separate from the phase that would include the units identified with this application. The 90 apartment units were included in the previous density calculation of 13.94 units per acre and also factored into the proposed density ratio of 19.52 units per acre.
4. The required site plan and written statement for the PUD amendment have been submitted by the applicant and are attached. The PUD amendment as proposed would change the development concept throughout the facility and would provide an additional 16 units in the memory care facility, which would then total 36; 62 additional apartment units, which would raise the total to 112 units; three additional duplex residential cottages, raising the number of dwelling units in the cottages from 16 to 22 units; and a maintenance building.
5. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include the MDU Resources campus and a proposed hotel to the west, a City of Bismarck water reservoir and a proposed office building to the northwest, single-family dwellings to the north across Country West Road, Centennial Elementary School across West Century Avenue to the east, and the Pinehurst Square retail development to the south.
6. The internal street circulation system is adequately designed for the type of traffic generated. The existing access location on West Century Avenue will not change. One access point on West Interstate Avenue will be closed and reconfigured for off-street parking. This area would be addressed during the site plan review process.
7. The entire property is currently within City limits; therefore the proposed zoning change would not place an undue burden on public services.
8. The proposed PUD amendment does preserve the natural features of the property inasmuch as possible.
9. The proposed PUD amendment is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed PUD amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

#### **RECOMMENDATION:**

Based on the above findings, staff recommends approval of the Planned Unit Development amendment for Lots 1-2, Block 2, Pinehurst 7<sup>th</sup> Addition Replat, as outlined in the attached PUD amendment.



**PINEHURST 7<sup>TH</sup> ADDITION PLANNED UNIT DEVELOPMENT  
ORDINANCE NO. 4909 (Adopted June 9, 1998)  
MAJOR PUD AMENDMENT (Adopted January 24, 2007)  
MAJOR PUD AMENDMENT (Adopted \_\_\_\_\_)**

WHEREAS, Ordinance No. 4909 was adopted by the Board of City Commissioners on June 9, 1998; and

WHEREAS, the ordinance indicates that any change in the uses outlined in the ordinance requires an amendment to the PUD; and

WHEREAS, Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) outlines the requirements for amending a PUD; and

WHEREAS, Touchmark on West Century, LLC has requested an amendment to the Planned Unit Development for Pinehurst 7<sup>th</sup> Addition Replat.

NOW, THEREFORE, BE IT RESOLVED by the Bismarck Planning and Zoning Commission of the City of Bismarck, North Dakota, a municipal corporation, that the request to amend the Planned Unit Development for the following described property:

Lots 1 & 2, Block 1, Pinehurst 7<sup>th</sup> Addition Replat

is hereby approved and this PUD is now subject to the following development standards:

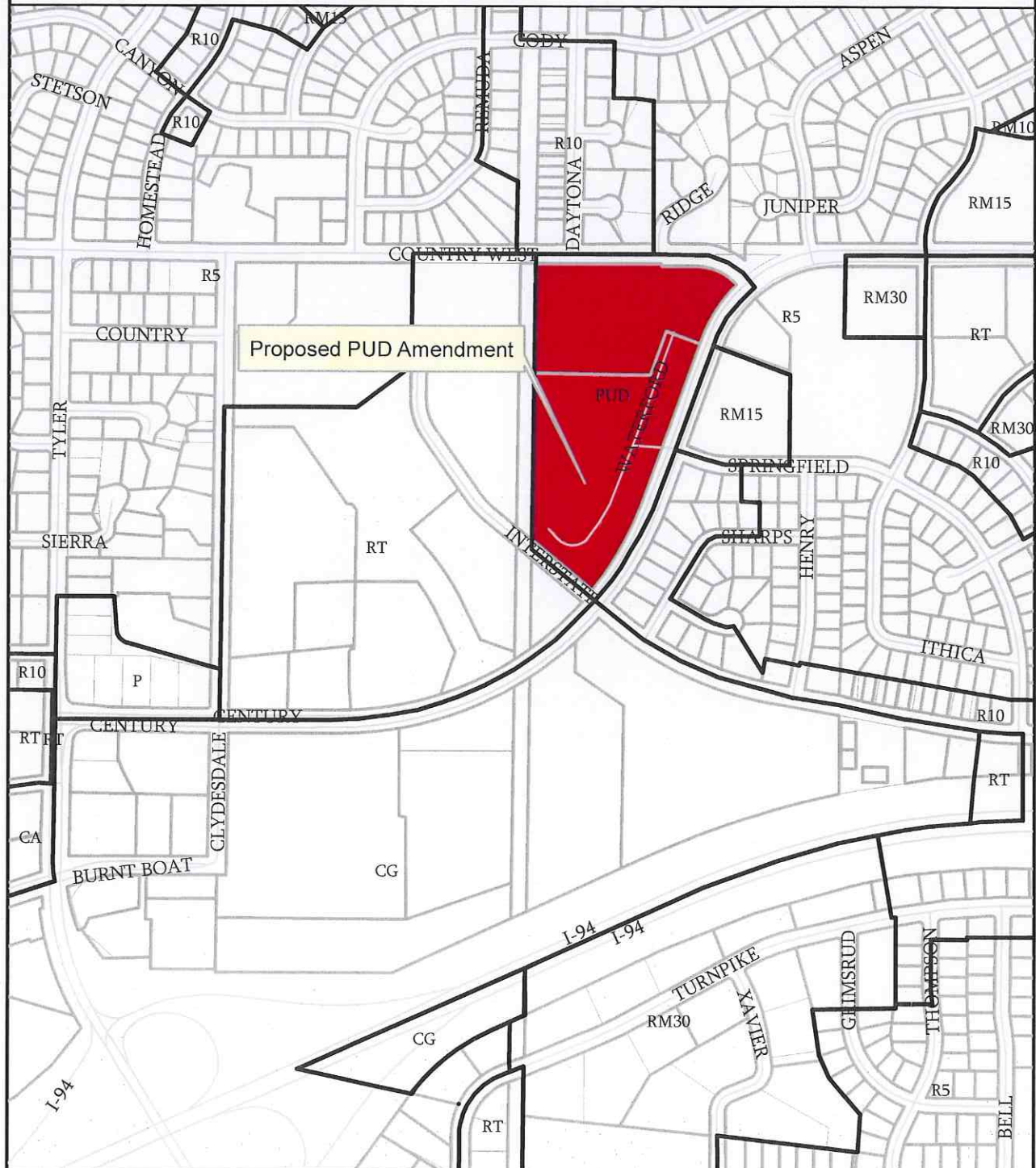
1. Uses Permitted. Uses permitted include a 3-story, 172-unit congregate care/assisted living facility; a 4-story, 62-unit apartment building; 22 dwelling units within two and three-unit residential cottages; three 30-unit apartment buildings; and a maintenance building.
2. Residential Development Standards. The dwelling unit count would increase from 250 units to 350 units over the entire facility, which will increase the density from 13.94 units per acre to 19.52 units per acre. The maximum allowable density shall be 350 units with a density of 19.52 units per acre. The minimum building setback requirements at the perimeter of the PUD shall be a front yard setback of 25 feet along Century Avenue and West Interstate Avenue, a minimum rear yard setback of 20 feet, and a minimum side yard setback of 6 feet. Setbacks between buildings within the PUD shall be the minimum allowed under the City's building code.
3. Design Standards. All future building design and materials shall be complementary to the existing facilities.
4. Parking. Parking and Loading. Parking and loading areas shall be provided in accordance with Section 14-03-10 of the City Code of Ordinances (Off-street Parking and Loading), based on the square footage and uses. All off-street parking spaces required and all driveways on private property leading to

such parking areas shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. All parking areas containing four (4) or more spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement.

5. *Landscaping and Screening.* Landscaping shall be provided in accordance with Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
6. *Screening of Mechanical Equipment and Solid Waste Collection Areas.* Mechanical equipment and solid waste collections areas shall be screened in accordance with Section 14-03-12 of the City Code of Ordinances (Screening of Mechanical Equipment and Solid Waste Collection Areas).
7. *Signage.* Signage for the development may be installed in accordance with the provisions of Sec14-03-05 (9) (Residential Area Identification Signs). Off-premise advertising signs (billboards) are specifically prohibited within this development.
8. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

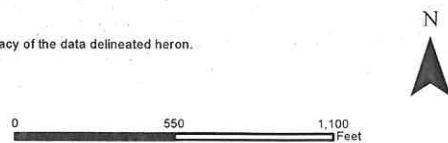


# Proposed PUD Amendment Lots 1-2, Block 2, Pinehurst 7th Addition Replat



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
Map was Updated/Created: February 20, 2014 (hlb)

Source: City of Bismarck



**MEMORANDUM**

To: Rick Wessell

Joe Billig

Project Name: TBND - Phase 3 IL, MC, Pre-MC

Project Number: 213273

Subject: PUD Narrative

Date: Wednesday, February 19, 2014

**Remarks:**

Amendment to the Existing Planned Unit Development (PUD) Approval

With this application we respectfully request City of Bismarck's approval for an amendment to the existing Planned Unit Development. The original PUD was approved on June 9, 1998. The second amendment was approved on January 24, 2007. This application requests an increase to the dwelling unit density by adding a 2 story, 32 unit addition to Phase 2, a 56 unit, 4 story Congregate Care building, including parking on the lowest level and 3 duplexes (6 units). The existing density is 13.88 DU/AC.

Address: 1000 W. Century Ave. Bismarck, ND 58503  
Lot: Lot 1 and 2, Block 2, Pinehurst 7<sup>th</sup> Addition  
Project Zone: PUD  
Project Area: 17.93 Acres (781,220 sf)  
Final Proposed Units: 350 Units  
Final Proposed Density: 19.5 DU/AC  
Land Use: Residential

In May 1998, the property was rezoned to PUD and included a total of 250 units on 17.93 acres. 154 units on Lot 1 and 96 units on Lot 2. Lot 2 consisted of 76 congregate/assisted units + 20 units in cottages.

Phases 1 and 2 included 154 units on Lot 1 (138 congregate/assisted + 16 units in two and three unit cottages).

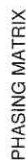
In January 2007, an approval for a PUD amendment was granted to change Lot 2 to include 90 units in three 30 unit, three story condominiums plus a floor of parking.

The proposed project (Phase 3) includes a 56 unit congregate care building, a 32 unit Basic Care addition, a 1 story maintenance building, 3 duplex cottages and minor site work. The duplex cottages are on Lot 2 and the remaining buildings are on Lot 1.

The plan includes future development on Lot 2 including 3 buildings with between 24-33 unit each with parking below.

Landscaping is proposed to be more finished and manicured around the buildings, at access points and key common areas. A large portion of the site below interior circulation roads is planned to be maintained as natural. Common areas of the surrounding grounds and each building will be maintained by a homeowners association.



[illegible]

11. *Journal of Management Studies*, 1997, 34, 1, 1-14.

Reynolds, 1995.

CC. *Cryptoglossa* *Carpi* (1946) (p. 146-147) (no fig.).

BC. *Chamaeleon* *lanceolatus* (1946) (p. 146-147) (no fig.).

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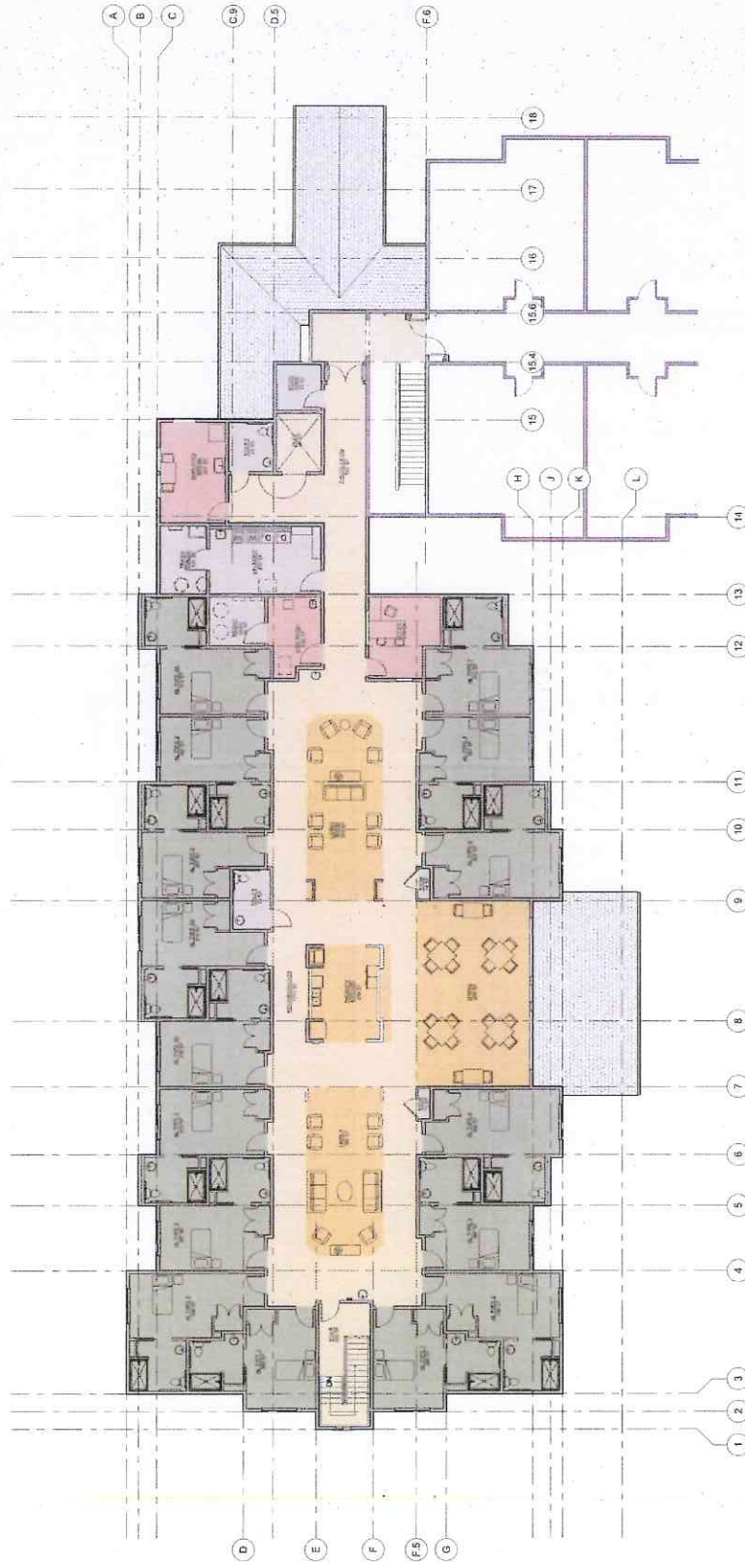


FIRST FLOOR - MEMORY CARE

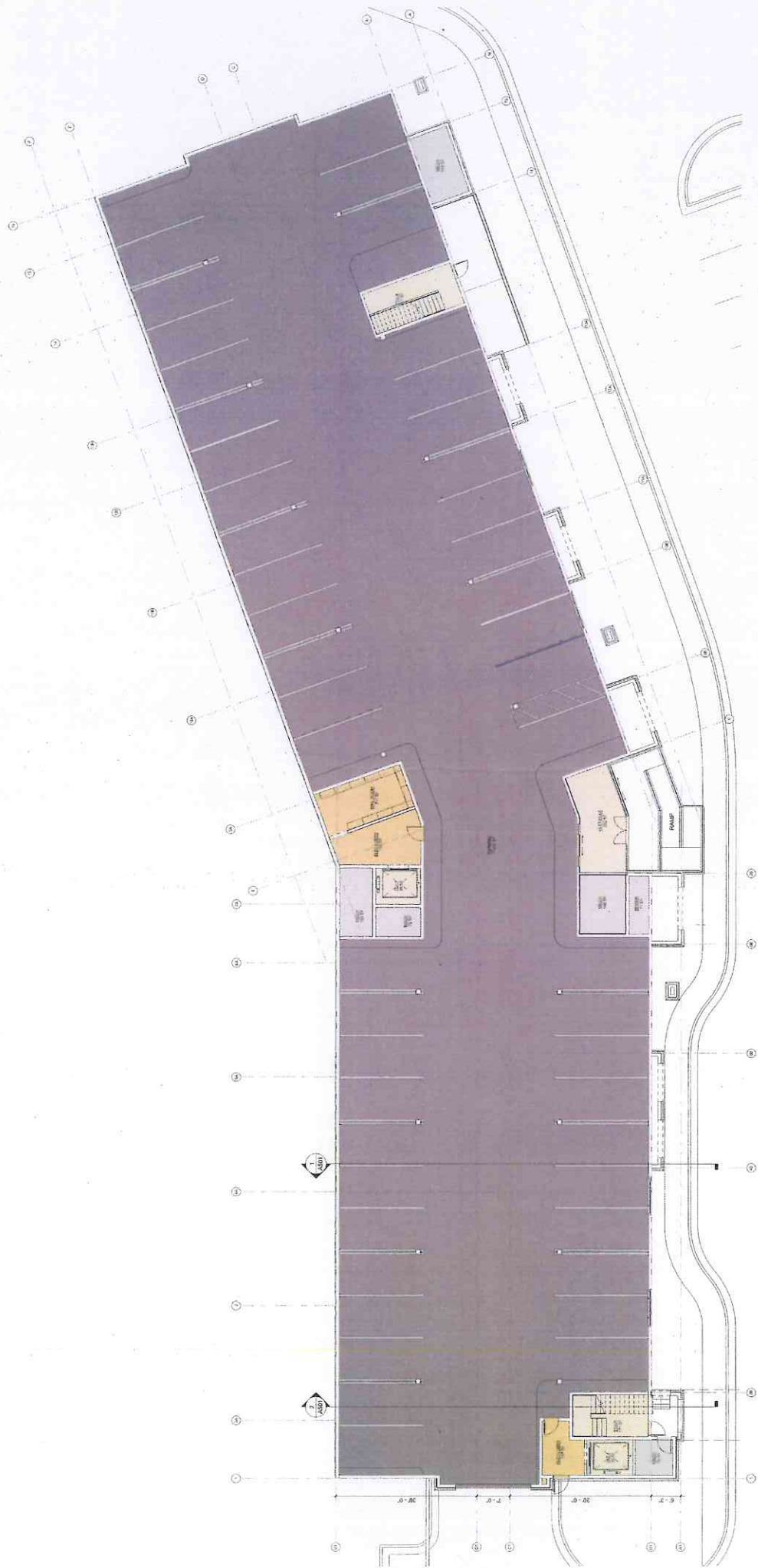


DATE: 01/27/2014





SECOND FLOOR - MEMORY CARE



FIRST FLOOR - INDEPENDENT LIVING

**LRS**  
ARCHITECTS  
1220 1st Avenue  
Bismarck, ND 58101  
701.223.1111

DATE: 02-17-14

213271  
TBD BISMARCK, NORTH DAKOTA

**TOUCHMARK**  
SINCE 1999  
Touchmark of West Century, LLC  
827 Newland Dr.  
Bismarck, ND 58103





SECOND FLOOR - INDEPENDENT LIVING

213271  
TOWN OF BISMARCK, NORTH DAKOTA

Touchmark at West Century, LLC  
827 West Century Dr.  
Bismarck, ND 58103



DATE 02/14



THIRD FLOOR - INDEPENDENT LIVING







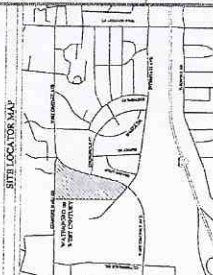
FOURTH FLOOR - INDEPENDENT LIVING

DATE: 07/24

**LRS**  
ARCHITECTS  
213271  
213271-001  
1000 1st Ave. S.  
Bismarck, ND 58503

213271  
TOWN OF BISMARCK, NORTH DAKOTA

**TOUCHMARK**  
SINCE 1960  
Touchmark of West Century, LLC  
827 Waterloo Dr.  
Bismarck, ND 58503

[illegible][illegible]



## BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

<b>BACKGROUND:</b>		
<b>Title:</b> East 75 feet of Lot 12 less the East 10 feet for the alley, Block 37 (811 East B Avenue); the West 40 feet of Lot 1 less the West 10 feet for the alley, Block 37 (813 East B Avenue); Lot 10 less the East 8 feet for the alley, Block 38 (515 North 7 <sup>th</sup> Street); and Lot 9, Block 41 (611 North 5 <sup>th</sup> Street), all in Northern Pacific 2 <sup>nd</sup> Addition – Special Use Permits (Four off-site parking lots)		
<b>Status:</b> Planning Commission – Public Hearing	<b>Date:</b> May 28, 2013	
<b>Owner(s):</b> Bismarck Cancer Center	<b>Engineer:</b> Swenson, Hagen & Company	
<b>Reason for Request:</b> To allow the construction of four off-site parking lots in residential zoning districts for the Bismarck Cancer Center.		
<b>Location:</b> The four properties are located in central Bismarck in an area bounded by North 5 <sup>th</sup> Street on the west, East Avenue C on the north, North 9 <sup>th</sup> Street on the east and East Avenue A on the south.		
<b>Project Size:</b> 19,350 square feet	<b>Number of Lots:</b> 4 parcels in 3 blocks	
<b>EXISTING CONDITIONS:</b>		
<b>Land Use:</b> Residential	<b>Land Use:</b> Residential	
<b>Zoning:</b> RM30 – Residential (811 East B Avenue, 611 North 5 <sup>th</sup> Street & 515 North 7 <sup>th</sup> Street) RT – Residential (813 East Avenue B)	<b>Zoning:</b> RM30 – Residential (811 East B Avenue, 611 North 5 <sup>th</sup> Street & 515 North 7 <sup>th</sup> Street) RT – Residential (813 East Avenue B)	
<b>Uses Allowed:</b> RM30 – Multi-family residential and off-site parking lots (811 East B Avenue, 611 North 5 <sup>th</sup> Street & 515 North 7 <sup>th</sup> Street) RT – Multi-family residential, offices and off-site parking lots (813 East Avenue B)	<b>Uses Allowed:</b> RM30 – Multi-family residential and off-site parking lots (811 East B Avenue, 611 North 5 <sup>th</sup> Street & 515 North 7 <sup>th</sup> Street) RT – Multi-family residential, offices and off-site parking lots (813 East Avenue B)	
<b>Maximum Density Allowed:</b> RM – 30 units/acre RT – 30 units/acre	<b>Maximum Density Allowed:</b> RM – 30 units/acre RT – 30 units/acre	
<b>PROPERTY HISTORY:</b>		
<b>Zoned:</b> Pre-1980	<b>Platted:</b> Pre-1980	<b>Annexed:</b> Pre-1980

**ADDITIONAL INFORMATION:**

1. The Bismarck Board of City Commission is holding a public hearing on a zoning text amendment on Tuesday, May 27, 2014 to allow off-site parking lots as a special use in the R5 – Residential, R10 – Residential, RM – Residential and the RT – Residential zoning districts. This application was submitted in anticipation of that amendment being approved. A copy of the proposed amendment is attached.
2. The Bismarck Cancer Center is in the initial stages of remodeling and adding an addition to the existing facility. The proposed addition to the facility will be located along the south side of the building, projecting into the existing parking lot. This addition will eliminate off-street parking spaces designated for staff use. The applicant is proposing to utilize four off-site parking lots to provide a total of thirty-seven (37) off-street parking spaces for Bismarck Cancer Center staff parking. Four (4) spaces would be provided on 811 East B Avenue, four (4) spaces would be provided on 813 East B Avenue, fourteen (14) spaces would be provided on 515 North 7<sup>th</sup> Street and fifteen (15) spaces would be provided on 611 North 5<sup>th</sup> Street.
3. In order for the off-site parking lots to be constructed as proposed, variances from Section 14-04-08(4) of the City Code of Ordinances (RT-Residential)(Lot Area); Section 14-04-07(4) of the City Code of Ordinances (RM-Residential)(Lot Area) and Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening) would also need to be granted by the Board of Adjustment.

**FINDINGS:**

East 75 feet of Lot 12 less the East 10 feet for the alley, Block 37, Northern Pacific 2<sup>nd</sup> Addition (811 East B Avenue)

1. An off-site parking lot is allowed as a special use in the RM – Residential zoning district, provided specific conditions are met. The proposed off-site parking lot does not meet all five (5) provisions outlined in the proposed amendment to Section 14-03-08 (4) of the City Code of Ordinances (Special Uses)(Off-site Parking). In particular, the proposed special use is located on a lot that does not meet the minimum lot size for a lot located within the RM-Residential zoning district. The required site plan submitted for the proposed special use does not show the landscaping and screening provisions as required in Section 14-03-11(10) of the City Code of Ordinances (Landscaping and Screening/Buffer Yards). The applicant has indicated that a variance would be requested of the Board of Adjustment in order to reduce the required landscaping and buffer yards for the off-site parking lot. The proposed special use request is located on a parcel along a public roadway and would obtain access from a public roadway and is within 400 feet of the parcel (Bismarck Cancer Center) it is intended to serve.
2. The proposed special use may adversely affect the public health, safety and general welfare. In particular, locating an off-site parking lot, which is a commercial use, in a residential neighborhood adjacent to existing residential uses without providing the required landscaping screening and buffer yards may adversely affect the adjacent residential properties.
3. Although there are existing parking lots located in the general area of the proposed special use, the proposed special use may be detrimental to the use or development of adjacent properties. In particular, there is an existing single-family dwelling located to the west and an existing 4-unit residential building located to the south of the proposed special use.

(continued)



4. The proposed special use may not be compatible with the surrounding residential neighborhood. In particular, locating an off-site parking lot adjacent to existing residential dwellings without the placement of appropriate landscaping, screening and buffer yards would not be harmonious with the existing residential neighborhood.
5. The request is not compatible with adopted plans, policies and accepted planning practice. In particular, the proposed special use does not meet all five (5) of the provisions for an off-site parking lot located within and RT-Residential zoning district and required in the proposed amendment to Section 14-03-08(4) of the City Code of Ordinances (Special Uses)(Off-site Parking).

West 40 feet of Lot 1 less the West 10 feet for the alley, Block 37, Northern Pacific 2<sup>nd</sup> Addition (813 East B Avenue)

1. An off-site parking lot is allowed as a special use in the RT – Residential zoning district, provided specific conditions are met. The proposed off-site parking lot does not meet all five (5) provisions outlined in the proposed amendment to Section 14-03-08 (4) of the City Code of Ordinances (Special Uses)(Off-site Parking). In particular, the proposed special use is located on a lot that does not meet the minimum lot size for a lot located within the RT-Residential zoning district. The required site plan submitted for the proposed special use does not show the landscaping and screening provisions as required Section 14-03-11(10) of the City Code of Ordinances (Landscaping and Screening/Buffer Yards). The applicant has indicated that a variance would be requested of the Board of Adjustment in order to reduce the required landscaping and buffer yards for the off-site parking lot. The proposed special use request is located on a parcel along a public roadway and would obtain access from a public roadway and is within 400 feet of the parcel (Bismarck Cancer Center) it is intended to serve.
2. The proposed special use may adversely affect the public health, safety and general welfare. In particular, locating an off-site parking lot, which is a commercial use, in a residential neighborhood adjacent to existing residential uses without providing the required landscaping screening and buffer yards may adversely affect the adjacent residential properties.
3. Although there are existing parking lots located in the general area of the proposed special use, the proposed special use may be detrimental to the use or development of adjacent properties. In particular, there are two existing residential 4-unit buildings located to the east and south of the proposed special use.
4. The proposed special use may not be compatible with the surrounding residential neighborhood. In particular, locating an off-site parking lot adjacent to existing residential dwellings without the placement of appropriate landscaping, screening and buffer yards would not be harmonious with the existing residential neighborhood.
5. The request is not compatible with adopted plans, policies and accepted planning practice. In particular, the proposed special use does not meet all five (5) of the provisions for an off-site parking lot located within and RT-Residential zoning district and required in the proposed amendment to Section 14-03-08(4) of the City Code of Ordinances (Special Uses)(Off-site Parking).

*(continued)*



Lot 10 less the East 8 feet for the alley, Block 38, Northern Pacific 2<sup>nd</sup> Addition  
(515 North 7<sup>th</sup> Street)

1. An off-site parking lot is allowed as a special use in the RM – Residential zoning district, provided specific conditions are met. The proposed off-site parking lot does not meet all five (5) provisions outlined in the proposed amendment to Section 14-03-08 (4) of the City Code of Ordinances (Special Uses)(Off-site Parking). In particular, the required site plan submitted for the proposed special use does not show the landscaping and screening provisions required in Section 14-03-11(10) of the City Code of Ordinances (Landscaping and Screening/Buffer Yards). The applicant has indicated that a variance would be requested of the Board of Adjustment in order to reduce the required landscaping and buffer yards for the off-site parking lot. The proposed special use meets the minimum lot size for a lot located within the RM-Residential zoning district. The proposed special use is located on a parcel along a public roadway and would obtain access from a public roadway and is within 400 feet of the parcel (Bismarck Cancer Center) it is intended to serve.
2. The proposed special use may adversely affect the public health, safety and general welfare. In particular, locating an off-site parking lot, which is a commercial use, in a residential neighborhood, adjacent to existing residential uses without providing the required landscaping screening and buffer yards may adversely affect the adjacent residential properties.
3. Although there are existing parking lots located in the general area of the proposed special use, the proposed special use may be detrimental to the use or development of adjacent properties. In particular, there is an existing 4-unit residential condominium complex located to the north and an existing west and an existing 4-unit residential building located to the south of the proposed special use.
4. The proposed special use may not be compatible with the surrounding residential neighborhood. In particular, locating an off-site parking lot adjacent to existing residential dwellings without the placement of appropriate landscaping, screening and buffer yards would not be harmonious with the existing residential neighborhood.
5. The request is not compatible with adopted plans, policies and accepted planning practice. In particular, the proposed special use does not meet all five (5) of the provisions for an off-site parking lot located within and RT-Residential zoning district and required in the proposed amendment to Section 14-03-08(4) of the City Code of Ordinances (Special Uses)(Off-site Parking).

Lot 9, Block 41, Northern Pacific 2<sup>nd</sup> Addition  
(611 North 5<sup>th</sup> Street)

1. An off-site parking lot is allowed as a special use in the RM – Residential zoning district, provided specific conditions are met. The proposed off-site parking lot does not meet all five (5) provisions outlined in the proposed amendment to Section 14-03-08 (4) of the City Code of Ordinances (Special Uses)(Off-site Parking). In particular, the required site plan submitted for the proposed special use does not show the landscaping and screening provisions as required in Section 14-03-11(10) of the City Code of Ordinances (Landscaping and Screening/Buffer Yards). The applicant has indicated that a variance would be requested of the Board of Adjustment in order to reduce the required landscaping and buffer yards for the off-site parking lot. The proposed special use is not located within 400 feet of the parcel (Bismarck Cancer Center) it is intended to use. The proposed special use meets the minimum lot size for a lot located within the RM-Residential zoning district and is located on a parcel along a public roadway.

*(continued)*



2. The proposed special use may adversely affect the public health, safety and general welfare. In particular, locating an off-site parking lot, which is a commercial use, in a residential neighborhood adjacent to existing residential uses without providing the required landscaping screening and buffer yards may adversely affect the adjacent residential properties.
3. Although there is an existing parking lot located adjacent to the east of the proposed special use, the proposed special use may be detrimental to the use or development of adjacent properties. In particular, there is an existing 5-unit residential building located to the north and a 5-unit residential building located to the south of the proposed special use. In addition, the proposed special use is located approximately 800 feet from the parcel (Bismarck Cancer Center) it is intended to serve.
4. The proposed special use may not be compatible with the surrounding residential neighborhood. In particular, locating an off-site parking lot adjacent to existing residential dwellings without the placement of appropriate landscaping, screening and buffer yards would not be harmonious with the existing residential neighborhood.
5. The request is not compatible with adopted plans, policies and accepted planning practice. In particular, the proposed special use does not meet all five (5) of the provisions for an off-site parking lot located within and RT-Residential zoning district and required in the proposed amendment to Section 14-03-08(4) of the City Code of Ordinances (Special Uses)(Off-site Parking).

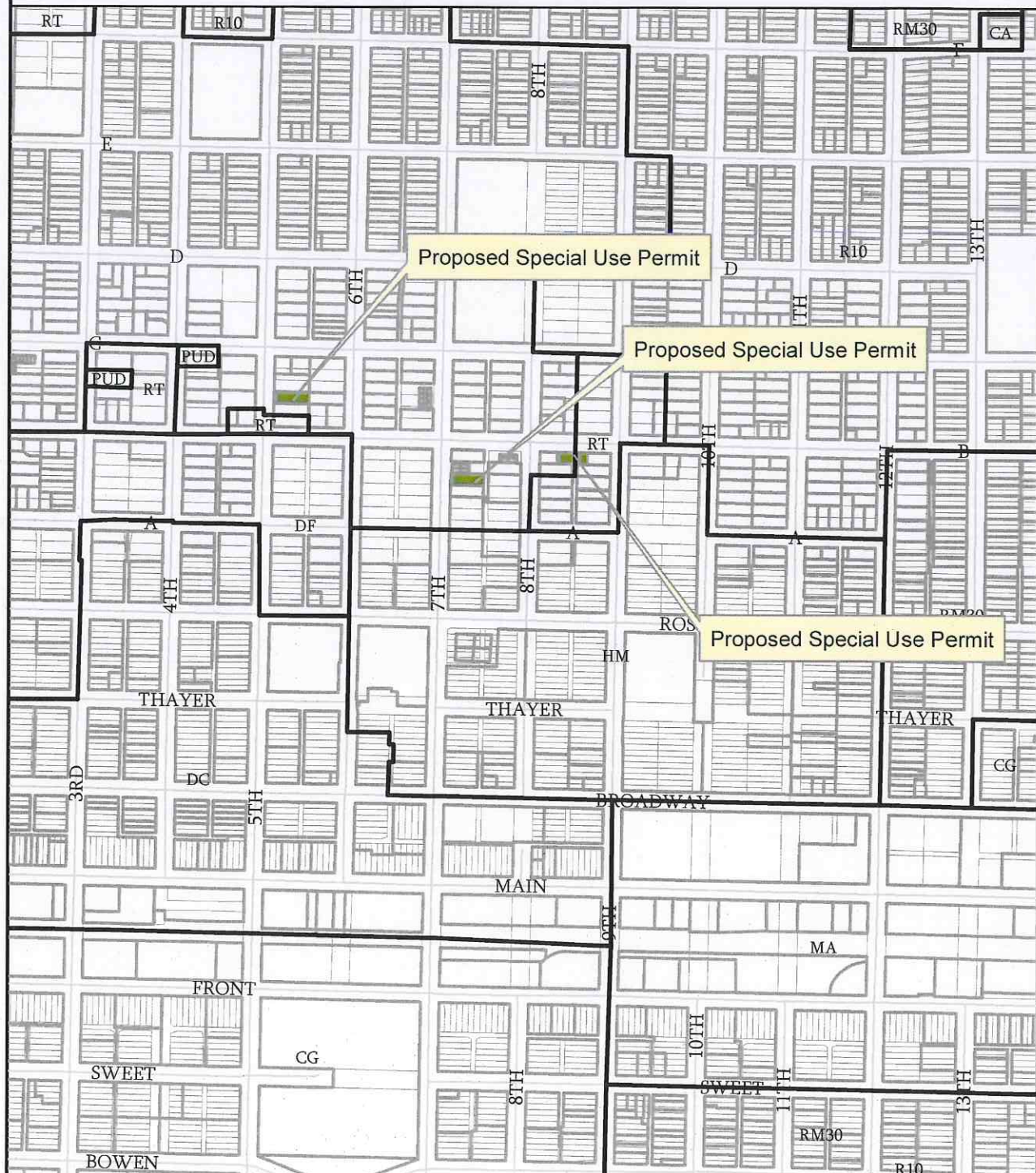
#### **RECOMMENDATION:**

Based on the above findings, staff recommends denial of the special use permit for all four off-street parking lots proposed for the East 75 feet of Lot 12 less the East 10 feet for the alley, Block 37; the West 40 feet of Lot 1 less the West 10 feet for the alley, Block 37; Lot 10 less the East 8 feet for the alley, Block 38; and Lot 9, Block 41, all in Northern Pacific 2<sup>nd</sup> Addition.

If the Planning and Zoning Commission is inclined to approve all or part of this request, staff would recommend that the above findings be modified to support the action taken, and any approval of this request is contingent on the Board of Adjustment granting approval of variances from Section 14-04-08(4) of the City Code of Ordinances (RT-Residential)(Lot Area) for 811 East B Avenue and Section 14-04-07(4) of the City Code of Ordinances (RM-Residential)(Lot Area) for 813 East B Avenue and Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening) for all four properties.

/JW

**Proposed Special Use Permit**  
**The West 40' of Lot 1 less 10' alley, the East 75' of Lot 12**  
**less 10' alley, Block 37, Lot 10 less the East 8' for alley, Block 38 and Lot 9, Block 41,**  
**Northern Pacific 2nd Addition**



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.  
 Date: 5/22/2014 (hjb)

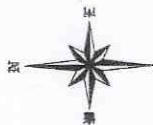
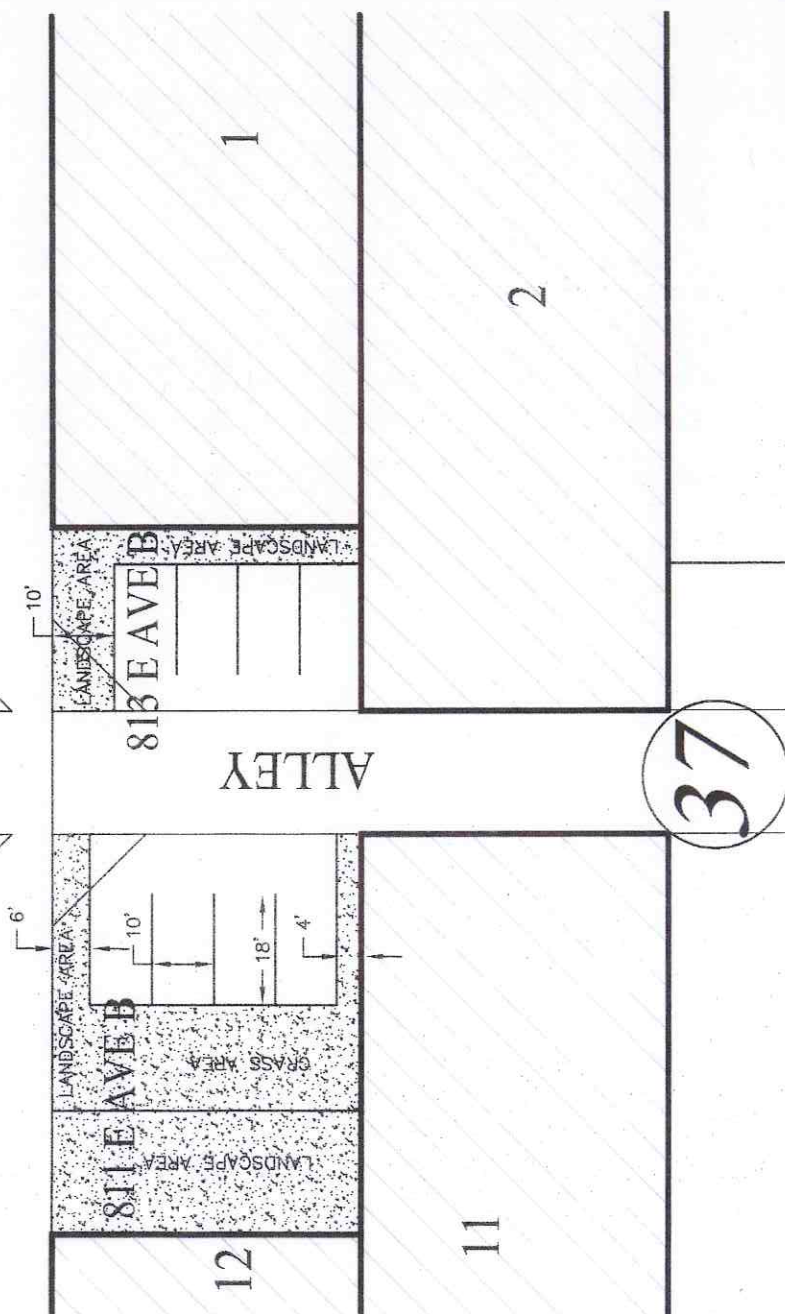
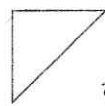
Source: City of Bismarck

0 550 1,100  
 Feet





AVE B



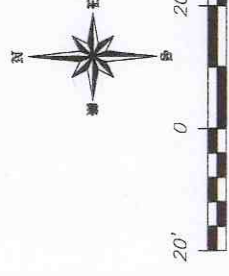
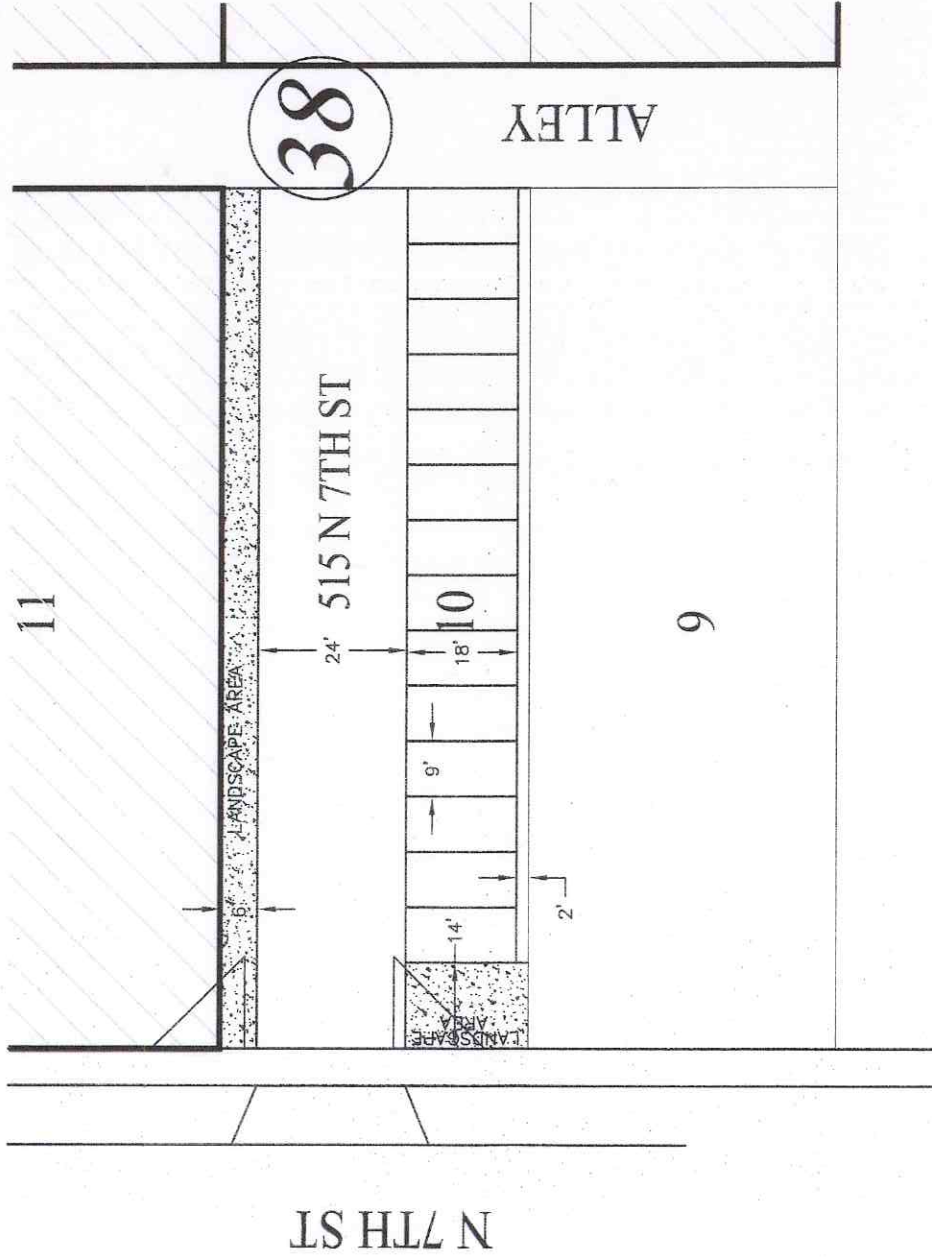
SCALE - 1"=20'  
MARCH 7, 2014



**SWENSON, HAGEN & COMPANY P.C.**  
907 Basin Avenue  
Blissard, North Dakota 58504  
ehs@swensonhagen.com  
Phone (701) 223 - 2600  
Fax (701) 223 - 2606

Surveying  
Hydrology  
Land Planning  
Civil Engineering  
Landscape & Site Design  
Construction Management

**LOT 10 BLOCK 38**  
**NORTHERN PACIFIC 2ND ADDITION**  
**BISMARCK, NORTH DAKOTA**



SCALE - 1"=20'  
 MARCH 7, 2014

**SWENSON, HAGEN & COMPANY P.C.**  
 Surveying  
 Hydrology  
 Planning  
 Civil Engineering  
 Landscape & Site Design  
 Construction Management

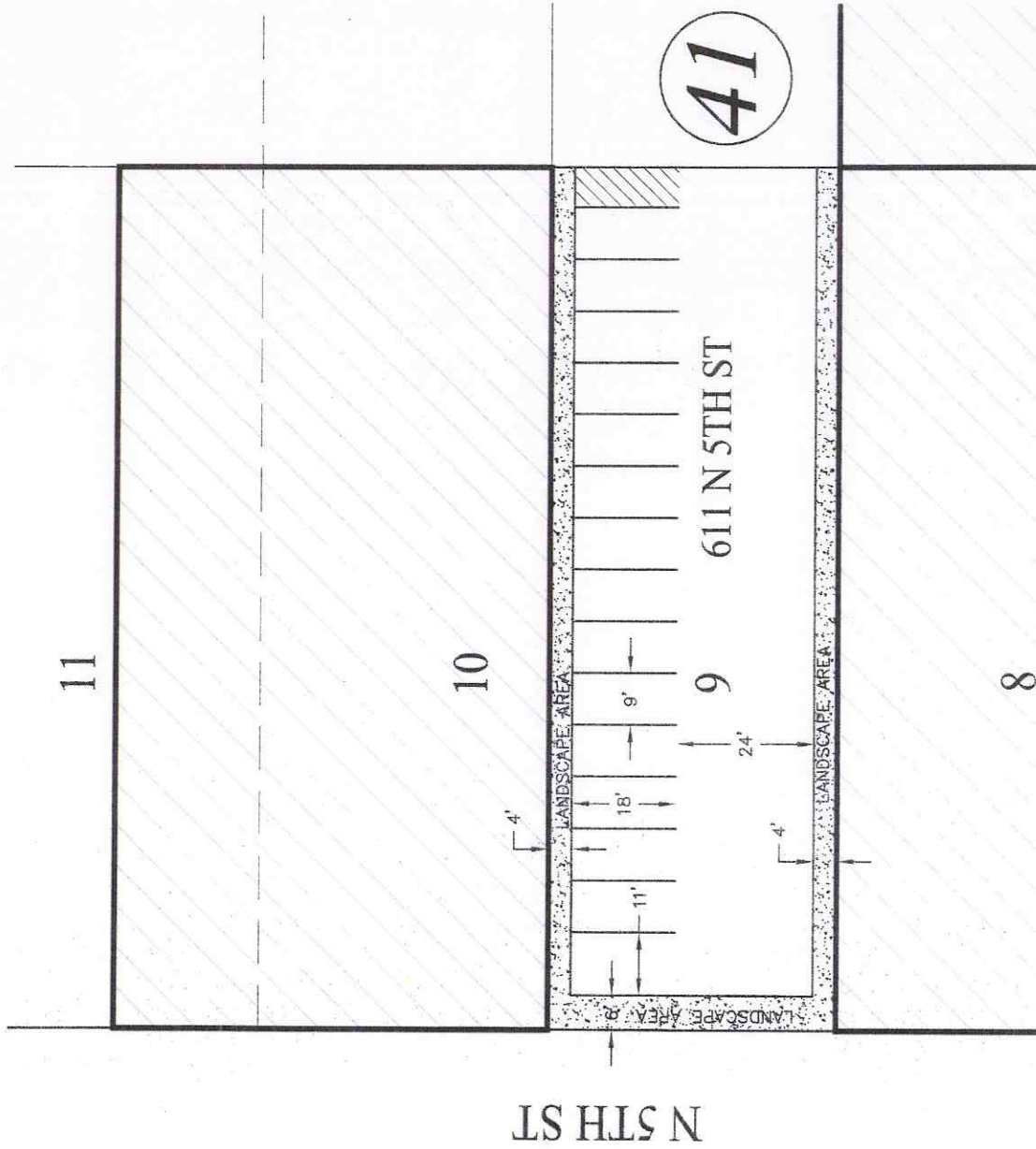
509 Basin Avenue  
 Bismarck, North Dakota 58504  
 sheng@swensonhagen.com  
 (701) 223-2600  
 Fax (701) 223-2606



# LOT 9 BLOCK 41

## NORTHERN PACIFIC 2ND ADDITION

### BISMARCK, NORTH DAKOTA



SCALE -- 1"=20'  
MARCH 7, 2014



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Bismarck, North Dakota 58504  
Phone (701) 223-2600  
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Surveying  
Mapping  
Land Planning  
Civil Engineering  
Landscape & Site Design  
Construction Management





# CITY OF BISMARCK

## Ordinance No. XXXX

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Final Passage and Adoption \_\_\_\_\_

Publication Date \_\_\_\_\_

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-04-19 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE FP FLOODPLAIN DISTRICT.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-04-19 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the FP Floodplain District is hereby amended and re-enacted to read as follows:

**14-04-19. FP Floodplain District.** In any FP floodplain district, the following regulations shall apply:

\* \* \* \* \*

#### 4. General provisions.

\* \* \* \* \*

b. Basis for establishing the special flood hazard areas. The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report titled "The Flood Insurance Study for Burleigh County, North Dakota and Incorporated Areas", dated July 19, 2005 August 4, 2014, with an accompanying flood insurance rate map (FIRM), and as subsequently updated by any Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR) and/or Letter of Map Revision Based on Fill (LOMR(f)) issued by the Federal Emergency Management Agency (FEMA), is hereby adopted by reference and declared to be a part of this section. The Flood Insurance Study (FIS) is on file in the office of the

Floodplain Administrator. Special flood hazard areas may also be designated in a storm water management plan prepared for a development, plat or watershed.

\* \* \* \* \*

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect following final passage and adoption.





## Community Development Department

### MEMORANDUM

TO: Chair Yeager and Planning & Zoning Commissioners

FROM: Kim L. Lee, AICP, Planning Manager *KLee*

DATE: May 22, 2014

RE: Southland 2<sup>nd</sup> Addition

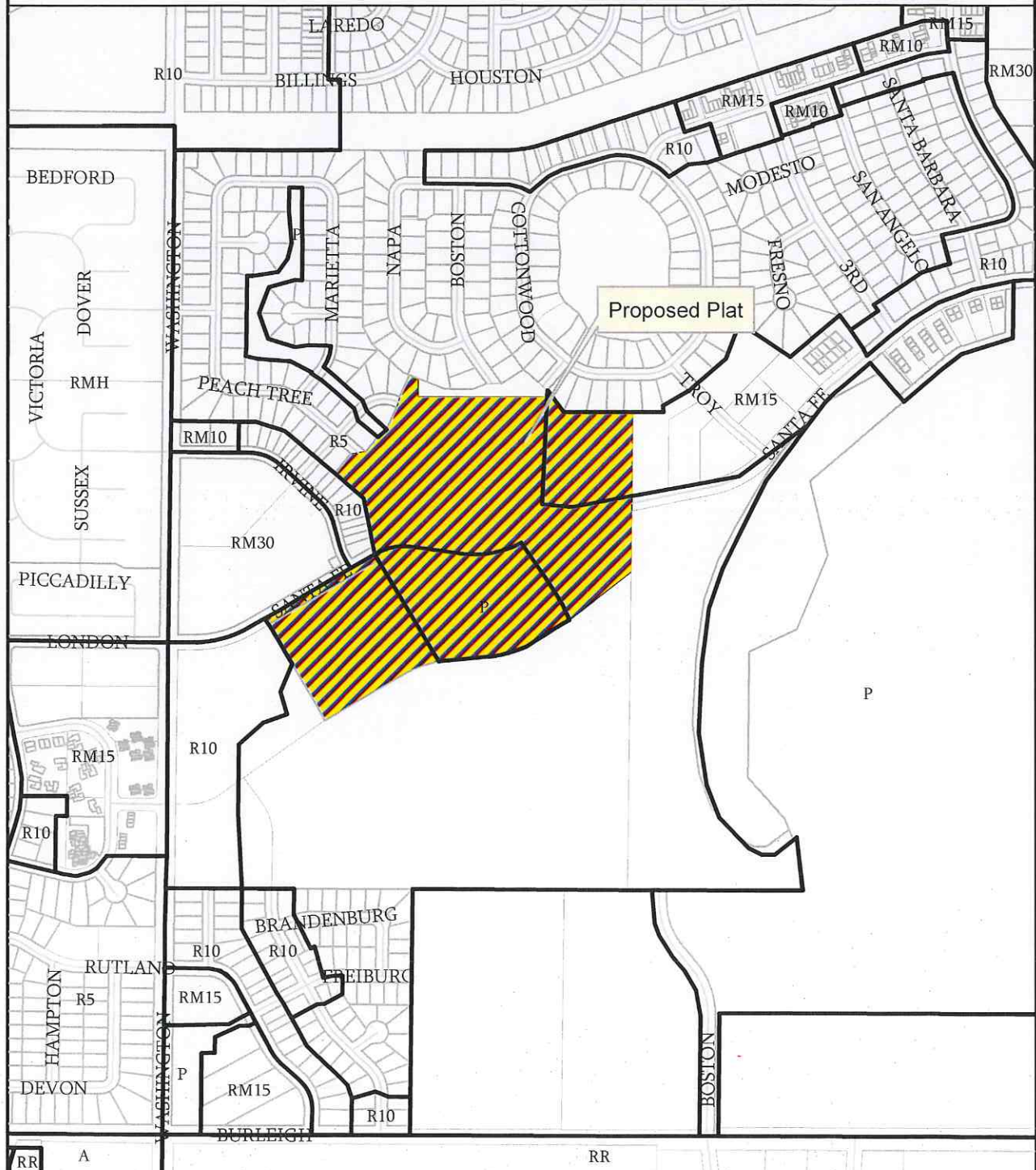
The final plat, zoning change and annexation for Southland 2<sup>nd</sup> Addition were recommended for approval by the Planning and Zoning Commission on April 23, 2014. The day after this meeting, I was contacted by one of the owners of the 1.18-acre tract of land between this plat and Cottonwood Lake 4<sup>th</sup> voicing concern over the exclusion of their property from the proposed plat and indicating that they were willing to work with the developer of Southland 2<sup>nd</sup> Addition.

The zoning change and annexation were forwarded for consideration by the Board of City Commissioners on May 13, 2014. At that meeting, the Board of City Commissioners voiced concerns over the donut hole being left by this plat and sent the requests back to the Planning and Zoning Commission for reconsideration. Since that meeting, the applicant has been working with the owners of the 1.18-acre tract and a resolution has been reached to include this parcel in the proposed plat.

A revised version of the proposed plat for Southland 2<sup>nd</sup> Addition is attached for your reconsideration. A copy of the version presented on April 23<sup>rd</sup> is also included for reference. If the new version of the plat is recommended for approval, the zoning change and annexation requests will be modified and forwarded to the Board of City Commissioners for reconsideration on June 10<sup>th</sup>.



# **Proposed Plat & Zoning Change (R5, RM15 & P to R5, R10, RM15 & P) Southland 2nd Addition**



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.  
Map was Updated/Created: March 6, 2014 (hlb)

Source: City of Bismarck

0 700 1,400 Feet









